(742) *IV/392

Acts of the Governor general of India in Council 1842 to 1846 with index

A:- Govt. of India

S:- Law and legislation/

Acts/ governor general/ India/ 1846

WEST BENGAL SECRETARIAT LIBRARY

19A
1
BENGAL SECRETARIAT LIBRARY
COURT OF THE DISTRICT JUDGE CHAUGUL PORE
Recd 25 March 43
E Brown

INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT

FOR 1842.

	Act.	Section.
A.		
Acquisitions by exchange from the Sattara State, ...	VI.	
Act No. XXI. of 1839, extended to certain petty Thefts not being simple Larcenies,	III.	I.
„ No. VIII. of 1839—part of—as relates to certain Villages within the Bombay Presidency, rescinded, ...	VI.	
„ Nos. XIX. and XX. of 1841—the powers vested in the Courts of Sudder Dewanny Adawlut by—made applicable to the Courts of the highest Civil jurisdiction in the Madras and Bombay Presidencies, ...	VIII.	
„ Nos. XXXII. of 1836 and XV. of 1839—prohibiting the landing of Foreign Sugar within the Presidency of Fort William or Fort St. George made applicable to such Sugar otherwise imported—See Sugar, ..	XI.	
„ Nos. XI. and XXVIII. of 1841 made applicable to Camp-followers of every description receiving public pay, ...	XII.	II.
„ No. XIV. of 1839 and all Acts repealed thereby so far as they are applicable to the emigration of Natives from Calcutta, Madras and Bombay to the Mauritius, repealed—See Emigration, ...	XV.	I.
Assessments to be levied in Towns, Suburbs and Settlements, or places of public resort and residence not within Calcutta for the purposes of public health and convenience—See Municipal Law, ...	X.	
B.		
Boats and Catamarans in the Madras Roads—rules made for the better management of—	IV.	

Boats

	Act.	Section.
Boats and Catamarans—Carrying Passengers, Goods or Letters to and from Ships in the Madras Roads and Shore to obtain Licenses. In default persons employing the Boats how to be punished and the Boats how to be dealt with in such case, ...	IV.	I.
„ Master Attendant may grant Licenses and the same to be renewed on what occasions. Change of abode of Owners and boatmen where to be noted down. In default of notice of such changes parties how to be punished. What fee to be charged for new registration, ...	„	II.
„ Master Attendant how to be satisfied of the capacity and condition of Boats previously to granting a License. What fee to be charged for Survey and Admeasurement of Boats, ...		III.
„ Numbers corresponding with those of the Registry and License how to be marked on—Persons counterfeiting numbers how to be punished, ...	„	IV.
„ Numbers how to be painted, cut or branded for the prevention of fraud or omission. Owners or other persons guilty of incorrect painting, cutting, branding, erasing or concealing figures how to be punished, ..	„	V.
„ of certain dimensions mentioned how to be manned and shall carry what number of passengers and what quantity of Goods, ..	„	VI.
„ Tindals or Owners of Boats or other persons acting as principals or accessaries, how to be punished [illegible] plus passengers and weight of [illegible]	„	VII.
„ Hours limited f[illegible] the shore and to remain [illegible] any Vessel. Master Attendant may prevent boats from putting off to or from the shore and by what signal. Parties how to be punished for breach of this Clause, ...	„	VIII.
„ When and where Boats and Catamarans and their Crews to be exposed for the inspection of the Marine Board and the Master Attendant, and what steps to be adopted for enforcing the repair of Boats found unseaworthy and for the employment of efficient Crews, ...	„	IX.
„ Places assigned for the landing of Goods of descriptions mentioned—Persons landing or attempting to land otherwise how to be punished, ...	„	X.

Boats

	Act.	*Section.*
Boats and Catamarans, Vessels and Dhonies to anchor in what parts of the Roads— Owners of Boats how to be punished for communicating with Vessels and Dhonies, which shall be anchored otherwise,.....	IV.	XI.
„ Owners of Boats when not employed to be in attendance at the Boat Office during fixed hours of the day—in default how they are to be punished, ...	„	XII.
„ Owners of Boats demanding a higher rate of hire beyond what is fixed by Schedule B., how to be punished,.....	„	XIII.
„ Owners or persons deputed by them how to be punished for refusing to let on hire Boats and Catamarans for public or private service within the hours and in terms in Schedule B., ...	„	XIV.
„ Boatmen how to be punished for causing impediments to the service of Boats and Catamarans, ...	„	XV.
„ Owners of—shall provide for service during the night certain numbers of Boats,—and in default how to be punished, ...	„	XVI.
„ to be kept completely dismanned and seaworthy, and in default thereof, and any damage of Goods or Cargo, as also for endangering lives, owners how to be punished, ...	„	XVII.
„ What is to be the penalty on—having a communication with ships in the offing or beyond the limits of the Anchorage before the Master Attendant's Report Boat has boarded them, ...		XVIII.
„ Searches authorized to be made on Boats and Catamarans and on persons on board such Boats for prohibited or smuggled Goods.—What penalty to be levied for impeding such searches,.....	„	XIX.
„ Secs. III., IV., VII., VIII., IX. and X. of the Marine Police Regulation of Madras repealed, ...	„	XX.
„ Justices of the Peace for the Madras Presidency may exercise the jurisdiction and authority ordained to be exercised by the Master Attendant and Deputy Master Attendant of the Port of Madras, ...	„	XXI.
„ Owners or Servants connected with—shall be amenable to Secs. XI., XII. and XIII. of the Marine Police Regulation,.....	„	XXII.
„ Sec. XXXVI. of the above Regulation how applicable, ...	„	XXIII.

	Act.	Section.
Boats and Catamarans. Cases of forfeitures and penalties by whom to be heard and determined—and how the penalties are to be recovered and disposed of, ...	IV.	XXIV.
Bombay—Certain Villages brought under the Government of—and made subject to Regulations, ...	VI.	
C.		
Calcutta—Sale of Opium and other Intoxicating Drug in—regulated—See Opium, ...	I.	
Camp-followers of every description receiving public pay to be subject to provisions of Acts XI. and XXVIII. of 1841, like enlisted Soldiers,.	XII.	II.
Catamarans—the employment of—in the Madras Roads—See Boats.		
Commissions to be issued to holders of alienated revenue within the Bombay Presidency for facilitating the collection thereof—Schedule A., ...	XIII.	
Commissioners of Revenue under the Bombay Presidency—Numbers and powers of—(See Revenue Commissioners).		
Conveyance—a Release shall be as effectual for the—of Freehold Estates as a Lease and Release by the same parties, (See Statute).		
Coolies—emigration of—to the Mauritius—See Emigration.		
Courts of the highest Civil and Criminal Jurisdiction in all the Presidencies how to be in future described in a general term in Legislative Enactments—See Sudder Court.		
Criminal Cases—preliminary investigation of—for Collection of Revenue within the Bombay Presidency—See Revenue Commissioners.		
D.		
Debts owing by persons subject to Military Courts of Requests not recoverable by traders of Military Cantonments unless such traders shall have been registered as Military Bazarmen at the time of the contract of the debts, ...	XII.	I.
Deshoor—Village of—held in Inam under the Bombay Government made subject to Regulations, ...	VI.	

E.	*Act.*	*Section.*
Emigration of Natives of the Company's Territories to the Mauritius allowed under order of H. M.'s Privy Council (recited in this Act)—Act No. XIV. of 1839 of the Government of India repealed, except as it relates to ports other than those mentioned, and to Emigrants proceeding to other places than the Mauritius,.....	XV.	I.
„ Emigrants may be conveyed to the Mauritius from the Ports of Calcutta, Madras and Bombay, ...	„	II.
„ Governments of the several Presidencies may authorize persons nominated by the Mauritius Government to act as Emigration Agents, who shall make Monthly Reports of all matters to the Government to which he is Subordinate, ...	„	III.
„ Emigrants shall not be conveyed without a License from Government. What fee to be levied per Emigrant. Masters of Ships carrying Emigrants how to be bound over—What penalty to be imposed for conveying Emigrants without a License, ...	„	IV.
„ No Licensed Vessels shall receive on board Emigrants without a pass from the Emigration Agent, ...	„	V.
„ A Certificate from the Agent containing certain particulars necessary before the clearing out of Ships carrying Emigrants,	„	VI.
„ Probable lengths of Voyage of Ships from the Ports of Calcutta, Madras and Bombay to the Mauritius, ...	„	VII.
„ Masters of Ships to deliver, before clearing out to the Agent, a list of the kind indicated and to obtain a duplicate thereof,	„	VIII.
„ Masters clearing their Ships without complying with the particulars before mentioned, shall be liable to what punishment,	„	IX.
„ Masters of Ships taking on board, after clearance, Emigrants whose names are not entered in the lists aforesaid, how to be punished, ...	„	X.
„ Masters of Ships cleared for the Mauritius, committing acts by which the Certificate obtained by them becomes inapplicable to the altered state of the Ship or Passengers or other matters, shall be punishable by a penalty laid down, ...	„	XI.
„ Powers vested by law in Officers of Customs to be exercised by them for the prevention of illegal embarkation of Emi-		

grants

	Act.	Section.
grants and other Offences. Pilots invested with the same powers as Preventive Officers of Customs in this behalf, ...	XV.	XII.
Emigration of Natives—Attempts by intoxication, false imprisonment or other means of crimping to export Natives, how to be punished, ...	,,	XIII.
,, Duties required of the Preventive Officer of Customs and Pilot on board Vessels cleared for the Mauritius in order to prevent additional Emigrants being conveyed in them. Customs Officers and Pilots making improper reports or conniving at the unauthorized embarkation of Emigrants how to be punished,.....	,,	XIV.
,, Forgery of documents required by this Act how to be punished,.....	,,	XV.
,, Penalties how to be enforced from Masters of Ships, ...	,,	XVI.
G.		
Governor General may exercise powers of the Governor General in Council during his absence from Calcutta, except as regard making Laws and Regulations, ...		II.
,, Act when to take effect, ...		
H.		
Harbour Regulations of Madras amended,....	IV.	
I.		
Inamdars holding alienated Lands within the Bombay Presidency, vested with increased powers to collect their revenue—See Jageerdars.		
Intoxicating drugs—sale of—in Calcutta regulated—See Opium, ...	I.	
J.		
Jageerdars of alienated lands within the Bombay Presidency vested with increased powers under a Commission from the Governor in Council for collecting the revenue thereof, ...	XIII.	I.
,, Commissions shall be granted or withheld at the pleasure of Government, and may be issued to the Agents of the holder of Revenue as well as to himself, ...	,,	II.

	Act.	Section.
Jageerdars—The holder of the Commission may demand security for the payment of the revenue, and if it be not furnished may act under Sec. XI., Regulation XVII. of 1827, Bombay Code, ...	XIII.	III.
„ The holder of the Commission may send Mohussuls on defaulters under C. 2. 3 and 5, Sec. XII. Reg. XVII. of 1827 Bombay Code, and the Mohussulle when to cease,	„	IV.
„ The holder of the Commission to report to the Collector on attaching the property of defaulters, and how shall the Collector act if the demand appear just, ...	„	V.
„ Compulsory process to cease for what consideration. Suits of what descriptions concerning such Landholders are to be tried before Collectors and their Assistants. What shall be the penalty for enforcing processes after tender of Security, ...	„	VI.
„ Damages declared for demanding a rate of Revenue in excess of that fixed by the Government or the usual rate as declared by the Local Revenue Officers of the Village or Pergunnah—holders of alienated Lands how to enable themselves to reassess Lands paying less than the full Jumma, ...	„	VII.
„ The Commission to extend to the Revenue of the current and preceding season, ...	„	VIII.
L.		
Laborers allowed to emigrate to the Mauritius from the Presidencies of Fort William, Madras and Bombay—See Emigration.		
Lands—the collection of Revenue on—alienated to Jageerdars facilitated within the Bombay Presidency—See Jageerdars.		
Lease for a year for giving effect to Release of freehold Estates, dispensed with—See Statute, ...	IX.	I.
Leases—grant of—by Zemindars regulated as to period and fixture of rent,—in modification of Secs. II. and III. Regulation XIV. of 1812 of the Bengal Code, ...	XVI.	
M.		
Madras Harbour Regulations amended, ...	IV.	
„ Marine Police Regulation—Sections III., IV., VII., VIII., IX. and X. repealed, ..	„	XX.

	Act.	Section.
Mauritius—Natives of the Company's Territories allowed to emigrate to—from the Ports of Calcutta, Madras and Bombay—See Emigrants, ...	XV.	
Military Bazars—No trader in Military Cantonments shall be allowed to recover any debts in Military Court of Requests for Native Troops from persons subject to such Courts, unless such trader shall have been registered as a Military Bazar-man at the time of contracting the debt, ...	XII.	I.
Municipal Law for places of public resort or residence under the Presidency of Fort William not within Calcutta, ...	X.	
„ Two-thirds of the householders of any Town, &c. &c., may be authorized to make better provision for local purposes connected with public health and convenience,	„	„
„ Government may authorize persons from among the inhabitants whose names may be presented, to form into a Committee for effecting the local objects applied for, .		II.
„ Committee may make assessments at r... necessary for effecting the objects and ... point servants as may be requisite. R... of assessment limited, and liability of ... Committee defined, ...	„	III.
„ Government may prescribe rules for ev... Committee for the security of funds, re move any Member of such Committee when the trust is in danger, and appoint a Member in the room of the one removed, if none be nominated by the Committee within a month, ...	„	IV.
„ Period fixed for the Committee to render accounts of receipts and expenditures in manner and forms prescribed by the Local Government, ...	„	V.
„ Magistrates or Justices of the Peace shall exercise the powers for levying rates from defaulters as specified by Act II. of 1839, ..	„	VI.
„ Rates shall not be invalidated for default of form. Identification of property assessed declared sufficient, and specification of names of owners or occupiers unnecessary in the recovery of rates by the sale of property under warrant, ...	„	VII.
„ Government may dissolve Committee and appoint persons to report upon the conduct of such Committee or any Members thereof, ...	„	VIII.

N.	*Act.*	*Section.*
Nepanee Jagheer—certain Villages belonging to—annexed to the British Territories under the Bombay Presidency,.....	VI.	
Nuisances in the Towns and Islands of Bombay and Colaba how to be prevented,.....	XIV.	
„ No offensive matter to be deposited on open space of ground contiguous to public thoroughfares, ...	„	I.
„ Court of Petty Sessions may order the owner or occupier of such open space to enclose the same, and in default cause such enclosure to be made out of the Municipal Fund. The defaulter to be liable to what penalty in such case, ...	„	II.
„ What steps to be taken for the conveyance of wastage, water, filth and other offensive matter, creating a public nuisance, and proceeding from houses or premises,.....	„	III.
„ Previes in houses how to be shut out from public view, ...	„	IV.
„ Every privy, sink, drain, water courses, compound, yard, lane or passage adjoining or belonging to houses to be kept clean to prevent their being a public nuisance, ...	„	V.
„ Deposit of filth or rubbish on the roof or weather-boards of buildings prohibited, as also suspension therefrom of things projecting over Streets. Provision made for bathing and washing clothes in public Tanks and Wells, ...	„	VI.
„ Court of Petty Sessions may require persons keeping brothels or lodging houses for Prostitutes in public roads to shut up the same or remove the Tenants, ...	„	VII.
„ Court of Petty Sessions may grant Licenses for Coffee Shop, Eating House, or any place of public resort—other than a licensed Tavern or Spirit Shop,.....	„	VIII.
„ Offences against this Act how to be disposed of by the Court of Petty Sessions...	„	IX.
„ Fines imposed under this Act how disposable, ...	„	X.
O.		
Opium—Sale of—in Calcutta to be regulated by Laws and Regulations concerning the Sale of Spirituous Liquors in the said Town, ...	I.	

	Act.	Section.
P.		
Public health and convenience of inhabitants in Towns and other places of public resort not within Calcutta, provided for—See Municipal Law, ...	X.	
R.		
Regulations for the Harbour of Madras amended, ...	IV.	
Regulations called Marine Police of Madras—Secs. III., IV., VII., VIII., IX. and X., repealed, ...	,,	XX.
Regulation XXIX. of 1827 and Regulation VII. of 1830 of the Bombay Code—parts of—as relate to certain villages rescinded,	VI.	
,, XIX, 1797—Sec. V. of the Bengal Code relating to fees for Translations of Proceedings—repealed,.....	VII.	
,, IV. 1803, Sec. XXXIII., ditto ditto ditto,		
,, [illegible] and III. of the		
,, [illegible]		
[illegible]		I.
Rele[illegible]		
		I.
Revenue—[illegible] Bombay Presidency to Jagerdars and others facilitated—(See Jageerdars.)		
Revenue Commissioners. One or more may be appointed for the Bombay Presidency, and vested with powers under Regulation V. of 1830, ...	XVII.	II.
,, Each to have such number of Deputies and Assistants as the Governor in Council may appoint, ...	,,	III.
,, or their Assistants within the Bombay Presidency may exercise the powers of Collector and Magistrate of any Zillah in matters of Collection of Revenue and conduct of Revenue Officers,—except that they shall not pass sentence of punishment but forward the accused to the Magistrate for trial or committal, ...	XVIII.	I.
,, or a Collector of Revenue or his Assistant or a Sub-Collector may delegate to Native Servants of their Establishments and of certain grades, powers of preliminary in-		

vestigations.

	Act.	Section.
vestigations. Their proceedings to whom to be sent for revision, and after revision cases how to be disposed of, ...	XVIII.	II.
Revenue Commissioners. Magistrates may continue making preliminary enquiries in the above cases, ...	,,	III.
Rules for the better management of Boats and Catamarans employed in the Madras Roads—See Boats and Catamarans.		
S.		
Sattara State—Certain Villages acquired by exchange from the, ...	VI.	
Spirituous Liquors—Fee, Tax or Duty how to be demanded by Officers granting Licenses under Act XVIII. of 1840 for the sale of—in Bombay and Colaba, and how to be made payable, ...	V.	I.
,, Non-payment of the Fee, Tax or Duty will subject the License to be withheld or recalled—Persons shall be liable to what penalties for selling Liquors whilst the License shall be withheld, ...	,,	II.
Statute Ch. XXI. 4th and 5th Victoria for rendering a release as effectual for the conveyance of Freehold Estates as a Lease and Release by the same parties, extended to the E. I. Company's Territories, ...	IX.	I.
Stealing Goods not exceeding in value Rs. 20 from places or persons of the nature and description mentioned—to be punished under Act XXI. of 1839, ...	III.	I.
Sudder Court—Powers vested in the Court of Sudder Dewanny Adawlut by Acts XIX. and XX. of 1841, made applicable to the Courts of the highest Civil jurisdiction in the Madras and Bombay Presidencies, and the terms Sudder Court generalized for all the Presidencies in describing Courts of the highest Civil and Criminal jurisdiction, ...	VIII.	
Sugar, Foreign—Acts XXXII. of 1836 and XV. of 1839, prohibiting the landing of—within the Presidency of Fort William or Fort St. George, made applicable to such Sugar otherwise imported, ...	XI.	
Surinjamdars holding alienated lands within the Bombay Presidency—vested with increased powers to collect their Revenue—See Jageerdar.		

T.	*Act.*	*Section.*
Thefts—Act No. XXI. of 1839, extended to certain cases of petty,.....	III.	I.
Translations—Rate of payment for—of proceedings for the use of Civil Courts modified, and Sec. V. Reg. XIX. 1797, and Sec. XXXIII. Reg. IV. 1803 of the Bengal Code relating thereto repealed, ...	VII.	I.
V.		
Villages—certain—belonging to the Nepanee, Jaghire and others acquired by exchange from the Sattara State annexed to the British Territories under the Bombay Government,.....	VI.	
Village of Deshoor brought under Regulations —See Deshoor.		

Calcutta, 1843 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

BENGAL SECRETARIAT
LIBRARY

No. 14 Jan. 1842

ACT No. I. OF 1842.

Passed by the Right Hon'ble the Governor General of India in Council on the 10th January, 1842.

An Act for better regulating the sale of Opium and other intoxicating Drugs within the Town of Calcutta.

It is hereby enacted, that all Laws and Regulations prohibiting the sale of Spirituous Liquors within the Town of Calcutta except under licences, and regulating the granting such licences, and for inflicting penalties for breach of the conditions thereof, or for selling Spirituous Liquors without having obtained such licences, shall be applicable to the sale of Opium and other intoxicating drugs within the Town of Calcutta.

Calcutta, 1842:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

No. 3 of 1842

ACT No. II. OF 1842.

Passed by the Right Hon'ble the Governor General of India in Council on the 28th March, 1842.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. WHEREAS it is expedient that the Governor General should visit the North Western Provinces and other parts of India, unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from Calcutta, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

Calcutta, 1842.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. III. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council, on the 22d of July 1842, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for extending the Provisions of Act XXI. of 1839, *to certain Petty Thefts, not being cases of simple Larceny.*

I. WHEREAS it has been found that property has been rendered insecure in many cases, by reason of the impunity with which petty thefts, not being simple larcenies, have been committed, it is hereby enacted, that Act No. XXI. of 1839, shall be extended to the following cases, where the property stolen does not exceed in value 20 Rupees, that is to say, to stealing any goods or merchandize in any vessel, barge or boat of any description whatsoever, or from any dock, wharf or quay—to stealing, by any servant, any chattel or money belonging to or in possession or power of his Master—to stealing any chattel or money from the person of another.

Calcutta, 1842:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. VII. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council on the 19th of August, 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act for repealing certain provisions of the Bengal Code regarding translations.

I. WHEREAS the rules regarding the rate of payment for translations of proceedings and other documents for the use of the Civil Courts fixed by Sec. V. Reg. XIX. 1797, and Sec. XXXIII. Reg. IV. 1803, of the Bengal Code, require amendment;—

It is hereby enacted, that Sec. V. Reg. XIX. 1797, and Sec. XXXIII. Reg. IV. 1803, be repealed.

Calcutta, 1842.—Printed at the Bengal Military Orphan Press, by G. H. Hutmann.

ACT No. VIII. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council on the 2d of September 1842, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for describing in Legislative Acts, with greater certainty and convenience, the Courts of the highest jurisdiction in the respective Presidencies.

IT is hereby declared and enacted, that the powers vested in the Court of Sudder Dewanny Adawlut by Acts No. XIX. of 1841 and No. XX. of 1841, shall be applicable to the Courts of highest Civil jurisdiction in the Madras and Bombay Presidencies respectively, and that, in future Acts generally applicable to all the Presidencies, the terms "Sudder Court" shall be deemed applicable to the Courts respectively of the highest Civil and Criminal jurisdiction, as the case may be, of all the Presidencies.

Calcutta, 1842.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. IX. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council on the 2d of September 1842, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for extending the Statute Ch. XXI. 4th and 5th of Queen Victoria in certain cases to the Territories of the East India Company.

I. IT is hereby enacted, that the Statute Ch. XXI. of the 4th and 5th years of the reign of Queen Victoria, entitled "An Act for rendering a Release as "effectual for the conveyance of Freehold Estates as a Lease and Release by "the same parties," shall be extended to the territories of the East India Company from the 1st day of October next; provided always that this Act shall not be construed to effect any case which would not have been governed by the Law of England before the passing of the aforesaid Statute, if this Act had not passed and provided, that every deed or instrument of Release taking effect under this Act shall be expressed to be made in pursuance thereof; and it shall not be necessary that it be expressed to be made in pursuance of the Statute aforesaid.

An

ACT No. IX. OF 1842.

An Act for rendering a Release as effectual for the conveyance of Freehold Estates as a Lease and Release by the same parties.

[18TH MAY, 1841.]

" Whereas it is expedient to lessen the expense of conveying Freehold " Estates :" Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, That every Deed or Instrument of Release of a Freehold Estate, or Deed or Instrument purporting or intending to be a Deed or Instrument of Release of a Freehold Estate, which shall be executed on or after the 15th day of May 1841, [and shall be expressed to be made in pursuance of this Act,] shall be as effectual for the purposes therein expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate in all respects both at Law and Equity as if the releasing party or parties who shall have executed the same had also executed in due form a Deed or Instrument of Bargain and Sale or Lease for a year for giving effect to such Release, although no such Deed or Instrument of Bargain and Sale or Lease for a year shall be executed, provided that every such Deed or Instrument so taking effect under this Act shall be chargeable with the same amount of Stamp Duty as any Bargain and Sale or Lease for a year would have been chargeable with (except progressive Duty) if executed to give effect to such Deed or Instrument, in addition to the Stamp Duties which such Deed or Instrument shall be chargeable with as a Release or otherwise under any Act or Acts relating to Stamp Duties.

II. " And whereas many Deeds or Instruments of Bargain and Sale " or Leases for a year, to give effect to Deeds or Instruments of Release of " Freehold Estates heretofore executed, have been lost or mislaid ;" be it enacted,

enacted, That where, in or by any Deed or Instrument of Release of Freehold Estates executed before the 15th day of May 1841, any Deed or Instrument of Bargain and Sale or Lease for a year for giving effect to such Deed or Instrument of Release shall be recited, or by any mention thereof in such Deed or Instrument of Release appear to have been made or executed, such recital or mention thereof shall be deemed and taken to be conclusive Evidence of the Deed or Instrument of Bargain and Sale or Lease for a year so recited or mentioned having been made and executed; and such Deed or Instrument of Release shall also have the like effect as if the same had been executed after the 15th day of May 1841, whether such Deed or Instrument of Bargain and Sale or Lease for a year shall or shall not have been lost or mislaid, or may or may not be produced: Provided always, that this Act shall not prejudice or affect any proceedings at Law or in Equity pending at the time of the passing of this Act, in which the validity of any Bargain and Sale of Lease for a year shall be in question between the party claiming under such Bargain and Sale or Lease for a year and the party claiming adversely thereto, and such Bargain and Sale or Lease for a year if the result of such proceedings shall invalidate the same, shall not be rendered valid by this Act.

III. And be it enacted, that in the construction of this Act the word "Freehold" shall have not only its usual signification, but shall extend to all Lands and Hereditaments for the conveyance of which, if this Act had not been passed, a Bargain and Sale or Lease for a year, as well as a Release, would have been used.

Calcutta, 1842:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. X. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council on the 14th of October 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act for enabling the Inhabitants of any place of public resort or residence under the Presidency of Fort William, not within the Town of Calcutta, to make better provision for purposes connected with public health and convenience.

I. IT is hereby enacted, that if it shall appear to either of the Governments of the Presidency of Fort William, that two-thirds in number of the householders of any Town, Suburb, Settlement or place of public resort and residence within that Presidency are desirous of making better provision for the repairing, cleansing, lighting, draining or watching of any public streets, roads, drains or tanks, or any like local purpose, it shall be lawful for the Local Government to which such place as above described is subject to authorize the same in manner following.

II. And it is hereby enacted, that the Local Government, upon any application made to it for the purpose by or on the part of the householders aforesaid, may, at its discretion, authorize the persons whose names shall be presented

presented or so many of them as may be thought proper being inhabitants of the place as above described to be a Committee for the purpose of effecting the local objects specified in the application.

III. And it is hereby enacted, that any such Committee may make such assessments and at such rates as may be necessary for effecting the objects aforesaid, and may make all necessary contracts and appoint such servants as may be required with reasonable salaries. Provided always that no rate exceeding the amount of five per cent. on the rent or yearly value of the premises within the place as above described, or more than one rate in any year shall be raised without the express sanction of the Local Government. Provided also that no Member of any such Committee shall be personally liable in respect of any contract entered into by such Committee on behalf of the inhabitants of any place as above described. Provided that the said Committee and every Member thereof shall be liable for the misapplication of all monies collected, and the same shall be recoverable in a Civil action as the money and at the suit of the Local Government.

IV. And it is hereby enacted, that the Local Government shall in every case prescribe such rules for every Committee as may appear necessary for the proper security of the funds collected from the inhabitants. And shall have the power of removing any Member of every such Committee on its appearing to such Government that the security or efficiency of the trust is in danger of being impaired. And in case of no person being named by the remaining Members of the Committee to the satisfaction of the Local Government to act upon such Committee in the place of the person removed within one month, the Local Government may appoint a Member of the Committee in the place of the person removed.

V.

V. And it is hereby enacted, that every such Committee shall on the 30th day of April, in every year, or oftener, if required by the Local Government, render to the Local Government an account of all sums received and expended in the preceding year, in such form and with such vouchers as the Local Government may from time to time require.

VI. And it is hereby enacted, that upon the application of such Committee to any Magistrate or Justice of the Peace, such Magistrate or Justice is required to exercise the same powers for levying the rate which may be due from any defaulter as are specified in Act II. of 1839.

VII. And it is hereby enacted, that no rate shall be invalidated for defect of form, and it shall be sufficient if in any such rate as aforesaid, or any assessment for the purposes of such rate the property assessed shall be sufficiently identified, and it shall not be necessary to specify the name of the owner or occupier thereof. And all property found at any time upon the premises rated shall be liable to be seized and sold under Warrant from a Magistrate or Justice of the Peace for the payment of the rate.

VIII. And it is hereby further enacted, that it shall be competent at all times to the Local Government to dissolve any such Committee, and to appoint any person or persons to enquire into and report upon the conduct of such Committee or of any Members thereof in the execution of their Trusts, and such person or persons so appointed shall have power to send for persons, papers and records, and to compel the attendance or delivery of the same and to examine witnesses upon oath.

Calcutta, 1842:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XI. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council on the 21st of October 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act for amending and explaining the Law concerning the importation of Foreign Sugar.

IT is hereby enacted and declared that the prohibition and penalties contained in Acts No. XXXII. of 1836 and No. XV. of 1839, against the landing or attempting to land in any part of the Territories subject to the Presidency of Fort William in Bengal, or the Presidency of Fort St. George, of any Foreign Sugar, or any Sugar which is the growth of any British possession into which Foreign Sugar can be legally imported, shall apply and be deemed to apply to such Sugar otherwise imported into any part of the Territories subject to the said Presidencies.

Calcutta, 1842 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

No. 28 of 1842.

ACT No. XII. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council on the 28th of October 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act for the better Regulation of Military Bazars, and defining the liabilities of Camp-followers.

I. IT is hereby enacted, that no person residing within the limits of any Military Cantonment and carrying on trade therein, or who shall have been a trader at any Military Cantonment, shall be allowed to recover in any Military Court of Requests for the Native Troops of the East India Company, held within any such Cantonment, any debt contracted in the way of trade, or for the loan of money, within any such Cantonment, by any person subject to the jurisdiction of such Court, unless the person seeking to recover the debt shall at the time of contracting thereof have been registered as a Military Bazarman within any such Cantonment.

II. And it is hereby declared, that all persons serving with any part of the Army and receiving public pay in any capacity, menial Servants, and other Camp-followers of every description, shall be subject to the provisions of Acts No. XI. of 1841 and No. XXVIII. of 1841, in like manner as enlisted Soldiers.

Calcutta, 1842:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XV. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council on the 2d of December 1842, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to the Island of Mauritius.

I. WHEREAS it hath been ordered by the Queen's Most Excellent Majesty, by and with the advice of Her Majesty's Privy Council, as follows:

AT THE COURT AT WINDSOR,

THE 15TH OF JANUARY, 1842.

PRESENT—

THE QUEEN'S MOST EXCELLENT MAJESTY.

HIS ROYAL HIGHNESS PRINCE ALBERT.

Lord President.
Lord Privy Seal.
Lord Steward.
Lord Chamberlain.
Earl of Jersey.
Earl of Ripon.
Lord Stanley.
Lord Fitzgerald and Vesci.
Sir Robert Peel, Bt.
Mr. Chancellor of the Exchequer.
Sir James Graham, Bt.
Sir Edward Knatchbull, Bart.

Whereas

ACT No. XV. OF 1842.

Whereas it is probable that the Laws now in force in British India for preventing the emigration of the inhabitants thereof to Her Majesty's Colonial Possessions will be shortly repealed so far as regards emigration to the Island of Mauritius, and that such last mentioned emigration will be sanctioned by Laws to be for that purpose enacted in India, subject to various provisions to be in such Laws made for the protection of such Emigrants, and for the prevention of abuses. And whereas it is probable that amongst the provisions so to be made, as last aforesaid, will be a provision for enabling the Governor General of India to appoint at ports or places in India, Officers charged with the care, protection and superintendence of all persons proposing to emigrate as Labourers from India to Mauritius. And whereas it is probable that provision will be made by Law at Mauritius for defraying from the public Revenue of that Island the expense of introducing emigration thither from British India. And whereas it is necessary that effectual provision should be made by Law at Mauritius for regulating any such expenditure, and for the prevention of abuses in the introduction of Emigrants from British India into that Island—It is therefore hereby ordered by the Queen's Most Excellent Majesty, by and with the advice of Her Majesty's Privy Council, that in the event of any Law being made in British India, authorizing the emigration to Mauritius of the Natives of India, and repealing the restrictions now in force there in regard to such emigrations, and in the event of any such Laws containing provisions enabling the Governor General of India to appoint at the several ports of embarkation in India, Officers charged with the protection of persons emigrating from such ports to Mauritius, the various Rules and Regulations comprized, and set forth in the Schedule to this present order subjoined, shall within the Island of Mauritius have the force and effect of Law, and shall be observed and carried into effect by all Her Majesty's Officers, Civil and Military, in Mauritius, and by all Her Majesty's subjects within the same Island as to them may respectively appertain.

And

And the Right Hon'ble Lord Stanley, one of Her Majesty's Principal Secretaries of State, is to give the necessary instructions herein accordingly.

(Signed) C. GREVILLE.

The Schedule referred to in the preceding Order, comprising the Rules and Regulations to be observed at Mauritius in regard to Emigrants from British India, resorting to and arriving at that Island.

1st. The Governor of Mauritius may from time to time nominate such persons as he shall see fit to act as Emigration Agents at any port or place in India, which the Governor General of India may designate as a port or place for the embarkation of Emigrants to Mauritius, and may also from time to time nominate a proper person to act as Protector of Immigrants at Mauritius.

2nd. The remuneration to be given to any such Agent in India, shall not depend upon or be regulated by the number of the Emigrants sent to Mauritius by him, but shall be in the nature of an annual salary.

3rd. Every such Emigration Agent shall ascertain by personal communication with every Emigrant previously to his or her embarkation from the port or place for which such Agent shall be appointed, that such Emigrant has not been induced to emigrate by any fraud, false nor unreasonable expectation, and is aware of the distance of Mauritius from the place where he or she is about to emigrate; and such Agent shall explain the real advantages likely to be derived by such Emigrants from a removal to Mauritius, and at the same time cautioning such Emigrant against unreasonable and unwarrantable expectations; and such Agent shall also ascertain that every

every such Emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity, or disease.

4th. It shall not be lawful to ship on board of any Ship or Vessel carrying Emigrants from India to Mauritius, any number of Passengers exceeding the proportion of one person for every two Tons of the Registered burthen of such Ship or Vessel, and no such Ship or Vessel carrying Emigrants, and having more than one Deck, shall have less than the height of six feet at the least between Decks, and in case such Ship or Vessel shall have only one Deck, a Platform shall be laid beneath such Deck, and in such manner as to afford a space of the height of six feet at the least, and that such Platform shall not be so laid as that the lower beams shall project above the same, and that no such Ship or Vessel shall have more than two tiers of berths, and that no such Ship or Vessel shall carry Passengers on any such voyage to Mauritius unless there shall be an interval of six inches at least between the Deck or Platform, and the floor of the lower tier throughout the whole extent thereof; and whatever may be the Tonnage of the Ship or Vessel, no greater number of Passengers shall be taken on board of such Ship or Vessel than shall be after the rate of one such person for every twelve superficial feet of the lower Deck or Platform, unoccupied by goods or stores, not being the personal luggage of such persons.

5th. In the computation of the number of Passengers within the meaning of these Regulations, two children under the age of ten years, shall be considered as equal to and shall be reckoned as one person only.

6th. There shall be actually laden and on board of every Ship or Vessel bringing Emigrants into Mauritius at the time of departure of such Ship or Vessel from the port or place at which such Labourers shall be embarked

embarked good and wholesome Provisions for the use and consumption of the said Passengers over and above the victualling of the crew to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the computed voyage for every Passenger on board such Ship or Vessel, such water being carried in Tanks or sweet Casks, and a supply of Rice, Bread, Biscuit, Flour, Oatmeal, or Bread Stuffs, to the amount of seven pounds weight to every week of the computed voyage for every such Passenger. Provided always that when any such Ship or Vessel shall be destined to call at a port or place in the course of her voyage for the purpose of filling up her water casks, a supply of water at the rate before mentioned for every week of an average voyage to such port or place of calling shall be deemed to be a compliance with this Regulation. And provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case where it shall be made to appear that by the special authority of the Governor General of India, any other articles of food were substituted for the articles above enumerated as being in his judgment equivalent thereto.

7th. The number of weeks which shall be deemed necessary for the voyage to Mauritius from any port or ports in India, shall be such as shall from time to time be determined by any Law or Ordinance to be promulgated for that purpose by the Governor General of India in Council, and according to any such Law or Ordinance shall and may be further determined whether at different periods of the year different estimations are to be made of the probable length of any such voyage, and if by any such Law or Ordinance the removal of Emigrants should during any particular period of the year be prohibited altogether then any such removal during such prohibited period shall in Mauritius be regarded, dealt with and punished as an infringement of these present Regulations.

8th. Before

8th. Before any such Ship or Vessel shall be cleared out, on any such voyage the Agent appointed under this Ordinance for the port or place from which such Ship or Vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of Passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board an ample supply of water and stores for the victualling of the Crew of the Ship or Vessel, and shall also ascertain that such Ship or Vessel is generally reputed seaworthy, and that the directions hereinbefore contained for insuring the health and safety of the Passengers have been complied with, and shall grant a Certificate thereof under his hand to the Master of such Ship or Vessel.

9th. The Master of every Ship or Vessel bringing Emigrants to Mauritius shall be bound to provide for and furnish to every such Emigrant and his wife and children a sufficient quantity of good and wholesome provisions, for his, her and their daily maintenance during such voyage, and during the space of 48 hours next after the arrival of such Ship or Vessel in Mauritius.

10th. Two copies of these Regulations, authenticated by the signature of the Agent at the port or place from which such Emigrants shall come, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every Ship or Vessel carrying such Emigrants as aforesaid, and one of such copies shall upon request made at seasonable times to the Master of the Ship or Vessel be produced to any Passenger for his perusal.

11th. The Master of every Ship or Vessel carrying Emigrants from India to Mauritius, shall before clearing out such Ship or Vessel deliver to such

Agent

Agent at the port or place from which such vessel shall be cleared out a list in writing, together with a duplicate of the same specifying as accurately as may be the names, ages and occupations of all and every the Emigrants on board such Ship or Vessel, and such Agent shall thereupon deliver to the said Master the counterpart of such lists, signed by such Agent, and the said Master shall on the arrival of such Ship or Vessel at Mauritius, and previous to the disembarkation of any such Emigrants give notice of the arrival of such Ship or Vessel, and deliver the said counterpart of such list to the Protector of Immigrants hereinbefore mentioned. And such Protector of Immigrants shall forthwith proceed on board of such Ship or Vessel and shall ascertain as far as possible by personal inspection of the Ship or Vessel and Passengers whether the directions hereinbefore contained with regard to the situation of the berth of such Ship or Vessel, the proportion of the Passengers to the burthens and measurement of such Ship or Vessel, and the maintenance of the Emigrants during such passage have been complied with, and such Protector of Immigrants shall personally muster such Emigrants and compare the number and names of such Emigrants with the said counterparts of such lists, and shall certify in writing under his hand upon such counterpart the total number of Emigrants then living and being on board of such Vessel, and in case any such Emigrant shall have died during the passage, or the number of names of the Emigrants shall differ from the number or names stated in such counterpart the Protector of Immigrants shall note such death or difference upon such counterpart, and thereupon shall grant a License under his hand for the disembarkation and landing of such Emigrants.

12th. If the Protector of Immigrants on such personal inspection of the Ship or Vessel and Emigrants, shall be satisfied that the preceding Regulations have been complied with, he shall grant a Certificate under his hand of the arrival in Mauritius of such Emigrants respectively and the place

from

from which and the Ship or Vessel in which such Emigrants shall have arrived.

13th. No money shall be payable by the Colonial Treasurer of Mauritius in respect of any such Emigrants as aforesaid except on the Warrant of the Governor of that Island, which Warrant shall not be issued except on such Certificate as aforesaid of the said Protector of Immigrants.

14th. The Protector of Immigrants shall keep a Register of all persons in respect of whom any such Certificate as aforesaid shall be granted, and of the Ship or Vessel in which, the port from which, and the time at which such person shall have arrived in this Colony, a copy of which Registry shall be laid before the Council of Government on the 31st day of March, the 30th of June, the 30th day of September, and the 31st of December in each year.

15th. If any Ship or Vessel bringing Immigrants from India to Mauritius shall carry any number of Passengers exceeding the proportion authorized and allowed by these Regulations a Penalty of Five Pounds per head shall be payable in respect of each Passenger so carried in excess of such proportion, or if such Ship or Vessel shall not be of the height between Decks hereinbefore required; or if such a Platform as hereinbefore directed shall not be laid and continued throughout the whole duration of any such voyage in such manner as is hereinbefore required: or if there shall be more than two tiers of berths, or if there shall not be throughout the whole duration of any such voyage, such an interval as is hereinbefore prescribed between the Deck and the Floor of the lower tier of berths, or if any such Ship or Vessel shall clear out, and put to sea not having on board such Water and Provisions as aforesaid for the use and consumption of the Passengers of the kind, and to the amount and in the proportion hereinbefore directed; or if any such Ship or Vessel

shall

shall be cleared out before such lists of Emigrants shall have been delivered in manner and form aforesaid, or if any such lists shall be wilfully false; or if the copy of these Regulations be not produced as hereinbefore required, or if any Emigrant shall not be maintained during such voyage, and for 48 hours after his arrival; the Master of any such Ship or Vessel shall forfeit and in respect of each and every such offence be liable on summary conviction before any Stipendiary Magistrate at any time within the space of 12 calendar months next after the arrival of such Master within the Colony of Mauritius to the payment of a fine not less than £5, nor more than £20 British Sterling, and in default of payment of the fine above mentioned either immediately, or at the time fixed by such Stipendiary Magistrate at the time of making such conviction to imprisonment for any time not less than one nor more than three calendar months.

16th. Provided nevertheless that nothing herein contained shall take away or abridge any right of suit or action which may accrue to any Emigrant in any such Ship or Vessel, or to any other person in respect of the breach or non-performance of any contract made or entered into between, or on the behalf of any such Emigrant or other person, and the Master, Owner or Owners of any such Ship or Vessel.

17th. Provided always that nothing in these Regulations contained shall apply to any Ship or Vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's Ships of War.

18th. No Emigrant arriving from India at Mauritius shall be capable of entering into any contract of service to be performed in that Island, until he shall have been at least 48 hours on shore there, and every such contract of service made before that time shall be null and void to all intents and purposes.

19th. No

19th. No Emigrant arriving from India at Mauritius, and engaging to labour in that Island shall within Mauritius be liable to any action, suit or demand, for or in respect of any debt contracted, or any contract made by such Emigrant before his arrival in the said Island.

20th. No Emigrant arriving from India at Mauritius shall in Mauritius be capable of entering into any contract for service except for the period in the manner and under the superintendence which by a Law in force there is required in the case of contracts for service made by other Labourers in Agriculture or Manufactures within the said Island.

21st. No payment shall be made from the Treasury of the said Island in respect of any Emigrants introduced there from India, unless on proof to the satisfaction of the Governor of Mauritius, that all Rules and Regulations which may be established by Law in India, for the advantage and protection of such Emigrants have been duly complied with, such Rules and Regulations not being repugnant to any thing in these Regulations contained.

22d. In every case in which the Penalties hereby denounced against offences are imposed by the use of the words in the masculine gender or in the singular person, such words shall be understood as extending to the feminine gender also, and to any number of persons unless when the opposite construction is required in order to meet the object and to accomplish the ends with a view to which these Regulations are established and made.

(Signed) C. GREVILLE.

In conformity with which said Order, and for the purpose of giving effect thereto, it is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby, so far as the same are applicable to the emigration of Natives from the

Port

Port of Calcutta, Madras, and Bombay respectively, to the Mauritius, shall be repealed from the day when the Governor General of India in Council, or, in his absence, the President in Council shall notify in the Gazette that it hath been duly certified to him that such Regulations have been provided, and that such measures have been taken by the Government of Mauritius as he may deem necessary for the protection of Emigrant Laborers from India on their passage to the Mauritius, and during their residence there, and for their safe return at the expiration of five years, or any subsequent period, should they be desirous of returning to India. Provided always that the aforesaid Act No. XIV. of 1839, shall remain in full force in all the ports of India except the ports aforesaid, and in regard to Emigrants from India proceeding to other places than the Mauritius.

II. And it is hereby enacted, that after this Act shall come into operation, Emigrant Laborers being Native Inhabitants of the Territories under the Government of the East India Company, shall be allowed to pass and to be conveyed from India to the Mauritius from the Ports of Calcutta, Madras and Bombay respectively, in compliance with the Provisions hereinafter mentioned, but not otherwise.

III. And it is hereby enacted, that at each of the three ports aforesaid, it shall be lawful for the Government of the Presidency within which the port is situated to authorize the persons nominated by the Government of Mauritius, under the Order hereinbefore inserted, to act as Emigration Agents at the aforesaid ports respectively, and to exercise the powers conferred on Emigration Agents by this Act. And every such Emigration Agent shall make monthly Reports to the Government to which he is subordinate of all matters transacted by him in pursuance of this Act.

IV. And

IV. And it is hereby enacted, that it shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purpose of laboring for hire in the Colony of Mauritius from either of the ports aforesaid, in any Ship or Vessel, unless a License be obtained for carrying Emigrants in such Ship or Vessel from the Government of the Presidency in which the port is situated. A fee not exceeding one Rupee per Emigrant, as may be regulated from time to time by the Local Government, shall be demandable in respect of every such License, which fee shall be carried to the credit of the said Government, and the granting or withholding any such License shall be entirely discretionary with the Government, and in consideration of such License the Master of every Ship conveying or destined to convey Emigrants from India shall execute a Bond, binding himself and his owners in a penal sum of 10,000 Rupees to conform to the several conditions hereunder provided, and the said Bond shall be executed in duplicate that it may be put in suit either at the place of execution or in the Colony of Mauritius, and one copy shall be forwarded to the Government of Mauritius to be dealt with as the case may require. And every Ship or Vessel in which any such Emigrant shall be conveyed without a License being obtained as aforesaid shall be liable to be forfeited, and the Master thereof shall be liable as for a misdemeanor in a fine of 1,000 Rupees for every such Emigrant so illegally conveyed.

V. And it is hereby enacted, that it shall not be lawful for the Master of any Vessel licensed as above to receive on board any Emigrant Laborer as above provided, unless such Laborer shall have in his possession and show a Certificate or Pass to be given to him by the Emigration Agent of the port, stating his name and the name of his father and his age, and certifying that having appeared before such Agent he has declared his willingness and desire to proceed to work for hire in the said Colony of Mauritius.

VI. And

VI. And it is hereby enacted, that before any Ship or Vessel so licensed to carry Emigrant Laborers as above provided, shall be cleared out from any of the aforesaid ports for the Mauritius, it shall be necessary for the Master of such Ship or Vessel, provided any Emigrant of the description aforesaid shall embark therein, to obtain from the Emigration Agent so nominated and authorized at such port as aforesaid, a Certificate under the hand of such Agent to the effect following, that is to say—

1. That such Agent has, by personal communication, done what is required on the part of such Agent by the *third* Article of the Schedule hereinbefore inserted; provided always that every such Agent shall make the inquiries specified in such Schedule, in an open Court or public office, to which all persons shall have admission.

2. That all the directions contained in the 4th, 5th, 6th, and 8th Articles of the Schedule hereinbefore inserted for ensuring the health and safety of Passengers have been duly complied with.

3. That (in addition to the directions contained in the said Schedule) such rules have been complied with as the Governor General in Council, or in his absence, the President in Council, shall from time to time frame touching the Medical attendance and Medical Stores to be provided, the species of provisions suited to native habits, the number of women that should accompany the Emigrants, or other matters.

VII. And it is hereby enacted, that with reference to Article 7 of the Schedule hereinbefore inserted, the probable lengths of a voyage to the Mauritius from the respective ports aforesaid, shall, for the purposes of this Act be deemed to be for the port of Calcutta,

Between

Between the months of April and October inclusive, ten weeks.

Between the months of November and March inclusive, eight weeks.

For the Port of Madras, between the months of April and October inclusive, seven weeks, and between the months of November and March inclusive, five weeks.

For the Port of Bombay, between the months of April to September inclusive, five weeks, and between the months of October to March inclusive, six weeks.

VIII. And it is hereby enacted, that before any Ship or Vessel shall be cleared out from any of the aforesaid Ports for the Mauritius, it shall be necessary for the Master thereof to deliver to the Emigration Agent so nominated and authorised at such Port as aforesaid the list specified in Article 11 of the Schedule hereinbefore inserted, and to obtain such duplicate thereof as is required by the said Article.

IX. And it is hereby enacted, that if the Master of any Ship or Vessel shall at any of the Ports aforesaid take on board such Ship or Vessel any Emigrant Laborer of the description aforesaid, and shall clear such Ship or Vessel for the Mauritius without having fully complied with every particular hereinbefore required previous to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, in a penalty of 200 Rs. for every Emigrant Laborer so taken on board his Ship or Vessel.

X. And it is hereby enacted, that if the Master of any Ship or Vessel shall, *after having cleared such Ship or Vessel* at any such Port as aforesaid for Mauritius, take on board any such Emigrant Laborer as aforesaid without

without having entered such Emigrant Laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such Emigrant, prior to clearance, he shall be liable, on conviction, before any Magistrate or Justice of the Peace, in a penalty not exceeding 500 Rs. for every Emigrant so taken on board his Ship or Vessel.

XI. And it is hereby enacted, that if any Master of any Ship or Vessel cleared for the Mauritius as aforesaid shall, after having obtained such Certificate as aforesaid fraudulently do or suffer to be done any act or thing whereby such Certificate shall become inapplicable to the altered state of the Ship or Vessel, its Passengers, or other matters to which such Certificate relates, such Master shall be liable on conviction, in any Penalty not exceeding 5,000 Rupees, beside incurring a forfeiture of any Bond executed in consideration of any License obtained for the Vesse as originally described.

XII. And it is hereby enacted, for the greater security against Emigrant Laborers being embarked for the Mauritius contrary to the provisions of this Act, that all the powers vested by law in the Officers of Customs in regard to the searching and detention of Ships or Vessels, or otherwise for the prevention of smuggling on board thereof may be exercised by such Officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board Ships or Vessels bound for the Mauritius, and of other offences against this Act; and it is further enacted, that all Pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

XIII. And it is hereby enacted, that every person who shall attempt by means of intoxication, or by false imprisonment, or other means of crimping to export any native on board any Ship or Vessel contrary to the provisions

provisions of this Act, shall be liable to be punished before a Magistrate in a fine not exceeding 500 Rupees, or imprisonment not exceeding six months, provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment; but the offender shall only be liable to one of these courses of proceeding.

XIV. And it is hereby enacted, that whenever a Vessel shall clear from Calcutta for Mauritius with Emigrant Laborers duly embarked thereon, the Customs Officer on board such Vessel shall countersign the Pass or Certificate brought on board by every such Emigrant Laborer, and shall keep a Register of every such Emigrant Laborer as may come on board. And such Customs Officer shall remain on board such Vessel until she shall arrive in Saugor Roads, and shall not come away until a muster of the Crew and Passengers has been made in his presence and in that of the Pilot in charge of the Vessel: and after the Customs Officer has taken muster, and quitted the Vessel the Pilot shall continue to exercise the duties indicated in Section XII. of this Act. And it shall be lawful for him if he shall deem it necessary to require the Master or Commander to take a general Muster of the Crew and Passengers and Emigrant Laborers on board, and to sign a Muster Roll so taken. And every such Custom House Officer and Pilot shall make a complete report of the Emigrant Laborers on board of any Ship at the time of his quitting the same, and such report shall contain a declaration, that to the best of the Declarant's belief no additional Coolies have been received on board since obtaining the Certificate, and that nothing else has been done or omitted to be done in the Ship or Vessel contrary to the provisions of this Act, and every such report, or muster, if any, shall be transmitted without delay to the Emigration Agent of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous or incomplete report of the Emigrant Laborers on board of any Ship or who shall connive at the unauthorized

unauthorized embarkation of any such Emigrant Laborers, shall be liable, besides dismissal, to a fine of 500 Rupees, commutable, if not paid, to imprisonment in the Calcutta Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

XV. And it is hereby enacted, that if any person shall forge or shall use knowing it to be forged, any document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

XVI. And it is hereby enacted, that all the several penalties to which Masters of Ships or Vessels are liable by this Act shall be enforced by information laid before any Justice of the Peace at the instance of the Emigration Agent, or of any Officer appointed for the purpose by the Government of the Place or Presidency, or may be enforced by putting in suit the Bond given by the Master if such Bond has been given in consideration of the licence granted to the Ship.

Calcutta, 1842:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

No. 10th July 43.—

ACT No. XVI. OF 1842.

Passed by the Hon'ble the President of the Council of India in Council on the 16th of December 1842, with the assent of the Right Hon'ble the Governor General of India.

An Act concerning the terms of Leases granted by Zemindars and Proprietors.

IT is hereby enacted, in modification of Sections II. and III. Regulation XIV. of 1812, of the Bengal Code, that Zemindars or other Proprietors of Land may grant leases, or fix the rent of any land tenure, for any period not exceeding the terms of their own respective engagements with Government. Provided always, that in case any lease shall be granted, or the rent of the land be fixed for any longer period, the lease or engagement fixing the rent shall be null and void only for the excess beyond such terms respectively.

Calcutta, 184[illegible]—Printed at the Bengal Military Orphan Press, by G. H. Hultmann.

INDEX

TO THE

ACTS OF THE SUPREME GOVERNMENT

FOR 1843.

A.	*Act.*	*Section.*	*Clause.*
Act II. of 1838, repealed,.....	XIV.	I.	
„ I. of 1843, concerning registration of conveyances, repealed,.....	XIX.	I.	
„ XXX. 1836, XVIII. 1837 and XVIII. 1839 extended,.....	XXIV.		
Actions—Civil and Criminal—under Clauses 1 and 2, Section VIII., Regulation VI., 1836, Madras Code, with respect to District Moonsiffs, and as extended by Section XIII., Regulation VIII. 1816, with respect to Sudder Ameens, shall be brought before Zillah Courts, ...	VII.	XXIII.	
Administration of Civil and Criminal justice in the Districts of Kurnool and Bunganapilly in the Madras Presidency—See Kurnool.			
Ameen's Courts—Jurisdiction and procedure of the—modified, ... See Principal Sudder Ameens, and Sudder Ameens.	VI.		
Americans—trial of—for offences committed within the jurisdiction of Principal Sudder Ameens in the Madras Presidency—See Session Judge, ...	VII.	XLIII.	

	Act.	*Section.*	*Clause.*
Appeal to the Sudder Dewanny Adawlut, how to be disposed of when it appears to a single Judge that the decision appealed from requires revision, ...	II.	I.	
„ The above not to apply to summary appeals and those in miscellaneous cases, nor to interfere with the powers of a single Judge of the Sudder Court under Clause 2, Section II., Regulation X. 1831, ...	„	II.	
„ Special—to lie to the Sudder Courts at Calcutta, Allahabad, Madras and Bombay, from the decisions of Subordinate Civil Courts in regular Appeals, which may be inconsistent with Law, practice of Courts, or doubtful in these respects,	III.	I.	
„ Applications for—admissible within the limited period for regular Appeals,	„	II.	
„ Applications to be accompanied by copies of previous decrees, ...	„	III.	
„ Applications to be heard by a single Judge, and an answer called for from the opposite party, ...	„	IV.	
„ If admissible the Judge shall grant a Certificate of the points to be determined,	„	V.	
„ Judge may finally reject the petition for—if it appear inadmissable,.....	„	VI	
„ The Sudder Court shall determine only the points certified,.....	„	VII.	
„ If the ground of Appeal be incorrectly certified, the Certificate may be amended, ...		VIII.	
„ The existing Laws of the several Presidencies relating to—shall continue in force, ...			

	Act.	Section.	Clause.
Appeals Act not to affect the hearing of—			
pending before 1st May 1843, ...	III.	X.	
„ from Sentences of any Justice of the Peace in the Mofussil and from Sentences of Magistrates exercising jurisdiction under the Statute 53, George III. shall lie to the same authority, subject to the same Regulations of the Government in cases of Sentences passed by Magistrates of ordinary jurisdiction. Such Appeals shall not be afterwards liable to revision by a Writ of Certiorari, ...	IV.	I.	
„ Power of quashing convictions by a Writ of Certiorari in any other case to remain unaltered, ...	IV.	II.	
„ Section 4, Act XXV. 1837, shall extend to interlocutary orders in Appeals from the decisions of Principal Sudder Ameens, ...	VI.	II.	
„ Zillah Courts in the Madras Presidency, may take cognizance of—reserved from the jurisdiction of Subordinate Courts,	VII.	VI.	
„ shall lie to the Zillah Courts from the decrees of Subordinate Civil Courts, and of Sudder Ameens and District Moonsiffs, ...	„	VIII.	1st.
„ may be received by Subordinate Courts from the orders of District Moonsiffs under a certain provision, ...	„	„	2d.
„ Zillah Judge may refer ... by Subordinate Judge or ... udder Ameen in the Zillah	„	„	3d.
„ in cases of—from ... trict Moonsiffs dismissed by a Subordinate			

Judge

	Act.	*Section.*	*Clause.*
Judge or Principal Sudder Ameen without reference to their merits—the Zillah Judge may receive a Summary appeal from such order of dismissal, ...	VII.	VIII.	4th.
Appeals from decisions of Zillah Courts shall lie to the Sudr Udalut under rules applicable to Provincial Courts,.....	„	IX.	
„ A single Judge of the Sudr Udalut may dispose of—from the decisions of any inferior Courts, ...	„	X.	2d.
„ Translations of papers shall not be required to be furnished by inferior Courts to the Sudr Udalut in cases of,.....	„	XII.	
„ from the sentence or order of Magistrates vested with additional powers in the Madras Presidency may be preferred to Session Judges in what description of cases,.....	VII.	LV.	
„ pending before Provincial Courts in the Madras Presidency on the date of their abolition how to be disposed of,.....	VIII.	I.	
„ Judges appointed for the disposal of such —to be styled Special Commissioners,...	„	II.	
„ The Special Commissioner to take the Oath prescribed for Judges of Provincial Courts, ...	„	III.	
„ What description of suits shall be transferred by him to the Zillah Court,.....	„	IV.	
„ In trying original Suits and—he shall have the power of two or more Judges of the Provincial Courts,.....	„	V.	1st.
„ What course to be taken by the Special Commissioner when he differs from the Lower Court in cases of special,.....	„	„	2d.

	Act.	Section.	Clause.
Appeals—Execution of decrees of the Special Commissioners, and also of the Provincial Courts for which process was not issued, to whom to be committed, ...	VIII.	VI.	
„ Zillah Courts shall complete execution of Decrees of the Provincial Courts under process previously issued,.....	„	VII.	
„ shall lie to the Sudr Udalut from decisions of Zillah Judges, Assistant Judges, and Principal Sudder Ameens, passed previously to the abolition of the Provincial Courts in cases in which the time for appealing had not expired at the date of their abolition,.....	„	VIII.	
„ Ministerial Officers and Vakeels of the Courts of Special Commissioners to be subject to the Rules applicable to those of the Provincial Courts,.....	„	IX.	
Articles of Foreign manufacture bearing names, brands or marks of British Manufacturers, imported into the Company's Territories, shall be forfeited, ...	XXV.		
Assistant Judges appointed to Zillah Courts —power of—See Courts.			
B.			
Bank at Madras how incorporated, ...	IX.	I.	
„ Shares not paid for before 1st May 1843, how to be disposed of,.....	„	II.	
„ What shall be the Capital Stock of the —and who shall be the Proprietors of the Stock, ...	„	III.	

	Act.	*Section.*	*Clause.*
Bank at Madras—Government of India may increase the Capital Stock by opening new subscriptions,	IX.	IV.	
„ the Stock of the—how to be divided and what shall be the value of each Share,	„	V.	
„ notice being given of the opening of the—it may sue and be sued by its corporate name and may also acquire and hold any description of property and convey the same,	„	VI.	
„ on the opening of the—the business of the present Government Bank of Madras shall cease, and all its cash notes then outstanding be paid by the new,	„	VII.	
„ Amount paid on account of Notes of the Govt. Bank how to be repaid to the,	„	VIII.	
„ A Certificate to be granted to each Proprietor for one or more Shares,	„	IX.	
„ Number of Shares to be held by each Proprietor limited, and not to be increased except as mentioned,	„	X.	
„ Shares of—may be transferred by endorsement,	„	XI.	
„ the corporate body of the—shall be composed of the registered Proprietors for the time being,	„	XII	
„ Business of the—shall be managed by Nine Directors and these by whom to be appointed and removed,	„	XIII.	
„ Rule prescribed for the election of Directors,	„	XIV.	
„ Two Directors out of Six elected by the Proprietors shall go out by rotation			

annually

	Act.	*Section.*	*Clause.*
annually, and a general meeting of Proprietors shall be held for supplying their place,.....	IX.	XV.	
Bank at Madras—Provision in case of casualties, &c. occurring in the Direction,...	„	XVI.	
„ What would disqualify a Proprietor from becoming a Director, ...	„	XVII.	
„ Every election and other matters shall be decided by a majority of votes. Proprietors by purchase not allowed to vote until after a certain period,.....	„	XVIII.	
„ Scale regulating votes of Proprietors, ...	„	XIX.	
„ Government may vote by proxy, such proxy having four votes,.....	„	XX.	
„ Individual Proprietors may vote by proxy and in what manner, ...	„	XXI.	
„ Directors may appoint a President from among themselves, who shall have a casting vote, ...	„	XXII.	
„ No less than three Directors shall form a Board for the transaction of business, ...	„	XXIII.	
„ Accounts and instruments not valid unless signed by three Directors—and the latter sealed in their presence,	„	XXIV.	
„ Establishment for conducting business shall be under the Directors. Expence limited to 50,000 Rupees per Annum,	„	XXV.	
„ Certain of the Officers shall not engage in any Commercial business, and shall each give Security for 50,000 Rupees,	„	XXVI.	
„ kinds of business in which the Bank shall engage, ...	„	XXVII.	

Bank

	Act.	Section.	Clause.
Bank at Madras—Negotiable Securities shall not be discounted, nor Loans made unless funds to certain extent are available for meeting outstanding claims,	IX.	XXVIII.	
„ Terms on which Loans and Advances shall be made on Negotiable Securities —limitation of period and amount, ...	„	XXIX.	
„ Loans how to be made on Public Securities and Deposit of Goods,.....	„	XXX.	
„ shall not advance to Government more than Rupees Seven Lacs and Half at a time, ...	„	XXXI.	
„ No person allowed to overdraw, ...	„	XXXII.	
„ May issue Promissory Notes payable on demand or at 30 days date to the extent mentioned, ...	„	XXXIII.	
„ Issue of Notes, Bills, &c., to be confined within the limits of India,.....	„	XXXIV.	
„ Deposit of Goods not perishable may be received, ...	„	XXXV.	
„ Books shall be balanced on the 30th June and 31st December every year, and a Statement of the Balance sent to the Government who may demand any information touching the affairs of the Bank, ...	„	XXXVI.	
„ Rule regulating dividends of the profits,	„	XXXVII.	
„ General Meeting of the Proprietors shall be held on the first Monday of March every year, ...	„	XXXVIII.	
„ Three Directors or ten Proprietors may convene a meeting upon fifteen days previous notice of the meeting and its purpose, ...	„	XXXIX.	

	Act.	Section.	Clause.
Bank at Madras—Branch Banks may be established under the rules and restrictions prescribed by this Act for the Bank itself, ...	IX.	XL.	
„ Mode of recovering payment from Proprietors who may be in debt to the Bank, ...	„	XLI.	
„ shall continue as now constituted until 1st July 1850, and thereafter until dissolved, which it shall not be without a previous notice of twelve months. Bank to forfeit all benefit of this Act in suspending any cash payment, ...	„	XLII.	
„ Schedules of the names of Proprietors,	„		
Bunganapilly in the Madras Presidency—administration of Justice and Collection of Revenue in the District of—See Kurnool.			
C.			
Calcutta—Jurisdiction of the 24-Pergunnahs Zillah Court in Suits against residents of—See 24-Pergunnahs.			
Ditto—ditto of Courts in the Provinces ceded by the Nawaub Vizier and other Zillah Courts—See Provinces and Courts.			
Cases—Criminal—pending at the time of the abolition of Zillah and Provincial Courts in the Madras Presidency how to be disposed of, ...	VII.	LVI.	
Commissioners appointed to investigate the public conduct of Officers within the Madras Presidency—See Inquiries.			

	Act.	*Section.*	*Clause.*
Conduct—public—of Officers under the Government of Madras not removeable without its sanction—inquiries held into—See Inquiries.			
Conveyances of Lands in the Mofussils of Bengal, Madras and Bombay—Registration of—regulated,.....	I.		
Cotton—Duty on—Imported into the North Western Provinces—(See Duties.)			
Courts of Justice within the Company's Territories shall write their decisions, &c. in what language—See decisions.			
Courts—Provincial—in the Madras Presidency—abolished, ...	VII.	I.	
Courts—Zillah—established in the Madras Presidency to be superintended by one Judge to be styled Civil and Session Judge, ...	„	II.	
„ shall exercise what jurisdiction and authority and be subject to what rules and restrictions, ...	„	III.	
„ original jurisdiction of the Provincial Courts in suits for less than 10,000 Rupees transferred to the Subordinate Zillah Courts, ...	„	IV.	
„ shall take cognizance of appeals which by Section VIII. of Regulation VII. 1827, are reserved from the Subordinate Courts, ...	„	VI.	
„ Zillah—appeals shall lie to the—from the decrees of Subordinate Civil Courts and of Sudder Ameens and District Moonsiffs, ...	„	VIII.	1st.

	Act.	*Section.*	*Clause.*
Courts—Subordinate may receive appeals from the orders of District Moonsiffs under certain circumstances mentioned,	VII.	VIII.	2d.
„ The Judge of—may refer such appeals to any Subordinate Judge or Principal Sudder Ameen in the Zillah, ...	„	„	3d.
„ The Judge of—may receive summary appeals from the orders of Subordinate Judges or Principal Sudder Ameens in cases of appeals from the decisions of District Moonsiffs dismissed by Subordinate Judges or Principal Sudder Ameens without reference to the merits,	„	„	4th.
„ Appeals from the decisions of—shall lie to the Sudr Udalut under rules applicable to the Provincial Courts, ...	„	IX.	
„ May confirm the decision of inferior Courts, or refer it back to the Court whose order is appealed against, ...	„	XI.	
„ Zillah—may refer the execution of decrees of the Sudr Udalut and of their own Courts, to the Subordinate Judges, or Principal Sudder Ameens,	„	XIV.	
„ All other processes of the Sudr Udalut and those of the—by whom to be served, ...	„	XV.	
„ The power of suspending Sudder Ameens vested in the Judges of, ...	„	XVI.	
„ Parts of Regulations VI. and VII. 1816, in which Zillah Judge is mentioned shall be applicable to—excepting Section LVI. Regulation VI. 1816, which shall be applicable to Subordinate Judges and Principal Sudder			

	Act.	*Section.*	*Clause.*
Ameens, as extended by Section V. Regulation III. 1833,	VII.	XVII.	1st.
Courts may employ District Moonsiffs for the purposes specified in Sections LX. and LXI. Regulation VI. 1816,	„	„	2d.
„ may call up under Section LIV. Regulation VI. 1816, any cause pending before a District Moonsiff, and may refer it to Courts named,	„	XVIII.	
„ may refer to the Subordinate Judges and Principal Sudder Ameens, applications for the execution of decrees of District Punchayets,	„	XX.	
„ Zillah—may pass orders on complaints preferred under Section XI. Regulation VII. 1816, according to Clause 4 thereof,	„	XXI.	
„ ditto — ditto — ditto under Section XXVII. Regulation VII. 1832,	„	XXII.	
„ shall exercise the Criminal jurisdiction heretofore exercised by the Courts of Circuit,	„	XXVI.	
„ shall hold permanent Sessions for the trial of persons committed by the Subordinate Judges, or Principal Sudder Ameens,	„	XXVII.	
See Sessions.			
„ Prosecutions against Magistrates and their Assistants under Section XLIII. Regulation IX. 1816, to be instituted in the,	„	XXXVIII.	
„ may exercise the power of Subordinate Civil and Criminal Courts constituted according to Regulations I. and II. or Regulations VII. and VIII. 1827, besides that of its own,	„	XLV.	

	Act.	*Section.*	*Clause.*
Courts—Subordinate Officers and Vakeels appointed to—shall be subject to what rules,	VII.	L.	
„ Law Officers ditto—ditto—ditto,	„	LI.	
„ Zillah—Assistant Judges appointed to —may try appeals referred to them by the Judge,	„	LII.	
„ Government may change the Stations and local jurisdiction of—also abolish and establish new,	„	LIII.	
„ Criminal cases depending before the abolition of the former Civil and Criminal Zillah Courts how to be disposed of,	„	LVI.	
„ Zillah—Law concerning jurisdiction of —in Provinces ceded by the Nawaub Vizier and other Zillah Courts—over persons residing in Calcutta, amended,	XXIII.		
Criminal jurisdiction of Courts of Circuit vested in Zillah Courts—See Courts.			
Criminal cases depending at the time of the abolition of the Zillah and Provincial Courts,	VII.	LVI.	
D.			
Dacoits—persons proved to have belonged to gangs of—within or without the Company's Territories how punishable, See Acts.	XXIV.	I.	
„ Persons accused of dacoity with or without murder, or of having belonged to a gang, or of receiving stolen property, may be committed by any Magistrate, and tried by any Court,	„	II.	

	Act.	*Section.*	*Clause.*
Dacoits—In such trials Futwa of Law Officers not requisite,.....	XXIV.	III.	
Dacoity—persons sentenced to imprisonment or transportation for—by Courts within the Territories of Native States may be kept in custody within the Company's Territories—See Thuggee.			
Decisions, &c. of the Sudder and Zillah Courts and of the Subordinate or Assistant Judges of Zillahs, shall be written originally in English at the time of pronouncing the decision and then translated into the Vernacular language of the Court, ...	XII.	I.	
„ Regulations of the Madras and Bombay Code, concerning the use of the English language, in certain of the Company's Courts of Justice in particular cases to remain unaffected, ...	„	II.	
„ of Principal Sudder Ameens, Sudder Ameens and Moonsiffs, shall be written in their own language and then translated in the language used in the Court, ...	„	III.	
Decrees—execution of—passed by Judges and Principal Sudder Ameens, in appeal from decision of Sudder Ameens and Moonsiffs—See Sudder Ameens and Moonsiffs.			
„ of the Sudr Udalut in the Madras Presidency—the execution of—may be referred by the Zillah Courts to the Subordinate Judges and the Principal Sudder Ameens,.....	VII.	XIV.	

	Act.	*Section.*	*Clause.*
Decrees in Company's Courts of Justice—language in which they are to be written—See decisions.			
Deputy Collector under Regulation IX. 1833—No Native or natural born subject of Her Majesty within the Company's Territories by reason of religion, place of birth, descent or color disabled from serving as, ...	XV.	VI.	
Deputy Magistrates — Uncovenanted — employment of—See Uncovenanted Deputy Magistrates.			
Duties of Customs—Rates of—to be levied upon Import of Salt into the North Western Provinces, and on its transmission to the East of Allahabad—and on Cotton, cleaned and uncleaned—also on the Export of Sugar, refined and unrefined—Import of Sugar into the North Western Provinces to remain prohibited, ...	XIV.	II.	
„ Government of the North Western Provinces may issue orders for the collection of—in such manner, on such lines and at such places as may be expedient, ...	„	III.	
„ Articles imported or exported without payment of—or contrary to the orders of Government shall be seized and confiscated with their respective conveyances, ...	„	VI.	
„ Evasion of payment of—or acting contrary to the Provisions of this Act or order of Government how punishable,	„	VII.	

	Act.	*Section.*	*Clause.*
Duties—Carriages and conveyances and packages may be searched upon suspicion,	XIV.	VIII.	
„ Collectors of Land Revenue and Customs or their Deputies shall report seizures of articles to the Revenue Commissioner who shall dispose of the case as he may think fit,	„	IX.	
„ Customs Officers may make over to the Magistrates for trial persons suspected of being liable to punishment under this Act,	„	X.	
„ Customs Officers searching conveyances or packages, or apprehending persons without reasonable grounds how punishable,	„	XI.	
„ Magistrates shall try persons made over to them under this Act, and their sentences shall be open to appeal as in ordinary cases,	„	XII.	
„ Officers of Police and Land Revenue required to assist the Customs Officers,	„	XIII.	
„ Act not applicable to the Saugor and Nerbudda Territories or Districts of Ajmere,	„	XIV.	
E.			
Emigration of Laborers to Mauritius confined to the Port of Calcutta, for securing a larger proportion of female emigrants,	XXI.	I.	
„ Government of India may appoint a Protector of Emigrants at Calcutta, who shall countersign Certificates from			

the

	Act.	Section.	Clause.
the Agent appointed by the Mauritius Government of persons engaged as Emigrants, ...	XXI.	II.	
Europeans—trial of—for offences committed within the jurisdiction of Principal Sudder Ameens in the Madras Presidency, ...	VII.	XLIII.	
See Session Judge.			
Execution of decrees passed by Judges or Principal Sudder Ameens, in appeal from decision of Sudder Ameens and Moonsiffs —See Sudder Ameens and Moonsiffs.			
Execution of decrees of the Sudr Udalut in the Madras Presidency—See Decrees.			
Execution of decisions of District Punchayets—See Punchayets.			
Execution of decrees of the Special Commissioners appointed to dispose of cases pending on the abolition of the Provincial Courts of Appeal in the Madras Presidency, and of the Provincial Courts for which process was not issued, ...	VIII.	VI.	
See Appeals.			
F.			
Foreign articles bearing names, marks or brands, of British manufacturers, imported into the Company's Territories, shall be forfeited, ...	XXV.		
Foujdaree Udalut—a single Judge of—may reverse the proceedings of any inferior Court provided the reversal be in favor of the accused, ...	VII.	XXXIII.	

	Act.	*Section.*	*Clause.*
Foujdaree Udalut—if a single Judge concur with the Session Judge whether for conviction or acquittal, he may pass a final sentence except for capital punishment,.....	VII.	XXXIV.	
„ on a review of the Abstract Statement of Prisoners punished without reference, may mitigate the sentence passed by Session Judges which may appear illegal or two severe, and may annul sentences which may be opposed to Regulations in force,.....	„	XXXV.	
G.			
Governor General may exercise powers of the Governor General in Council during his absence from Calcutta, except making Laws and Regulations, ...	XX.	I.	
„ Act when to take effect, ...	„	II.	
H.			
Hereditary Officers under the Bombay Presidency employed in any Department of the administration of the Country, shall render their services to the Collector or other Officer under whose control they may be placed, ...	XI.	II.	
„ When duties of—fall. in more than one Department, Government shall prescribe under whose control they shall be placed	„	III.	
			Heriditary

	Act.	*Section.*	*Clause.*
Hereditary Officers under the Bombay Presidency, selection of—how to be made when their duties are to be performed in rotation by different sharers, ...	XI.	IV.	
„ Controlling Officer may refuse to confirm the nomination by the sharers of any individual—appeal against such decisions shall lie to the Government,	„	V.	
„ Officiating—may be punished by Controlling Officers for misconduct or neglect of duty, and in what manner,...	„	VI.	
„ Officiating—may after due investigation be dismissed by Controlling Officers for misconduct or incompetency, subject to the approval of the Government, ...	„	VII.	
„ In holding an investigation as above, the Controlling Officer shall have the power of a Magistrate, ...	„	VIII.	
„ being convicted of any criminal offence, Government may direct confiscation of the wuttun, and appoint persons for the performance of their duties. The surplus proceeds of the wuttun how to be disposed of, ...	„	IX.	
„ duties of—shall not be performed by females in person, ...	„	X.	
„ When disqualified from acting themselves may appoint deputies, and in default of their so doing the Controlling Officer may appoint, ...	„	XI.	
„ Deputies shall be subject to the same rules and penalties as their principals, and if deputies appointed by the Hereditary Officers are convicted,			

the

	Act.	*Section.*	*Clause.*
the wuttun of office shall be confiscated,.....	XI.	XII.	
Hereditary Officers in the Bombay Presidency—right of sharers to participate in the rents and profits of any Heriditary Office, provisions being made for the fit maintenance of the Officiating Hereditary Officer, ...	„	XIII.	
„ Fit remuneration may be assigned to deputies appointed by Controlling Officers from the profits of the office,...	„	XIV.	
„ Applicability of the terms "Hereditary District or Village Office or Officers," or "Hereditary District Village Revenue Office or Officers,"	„	XV.	
I.			
Inquiries into the public conduct of Officers within the Madras Presidency not removeable without the sanction of Government, and subject to the Courts of Sudr and Foujdary Adawlut or the Board of Revenue—what preliminary steps shall be taken by the Court or Board before making, ...	XIII.	II.	
„ Charges against such Officers to be preferred by the complainant to the Sudr Court or the Board of Revenue, who may call for explanations from the accused party, ...	„	III.	
„ Charges may also be made before any Judge, Magistrate or Collector, who shall send depositions of the complain-			

ant

	Act.	*Section.*	*Clause.*
ant to the Sudr Court and the Board of Revenue as the case may be, ...	XIII.	IV.	
Inquiries—Charge not admissible unless made upon oath, ...	„	V.	
„ Sudr Court and the Board may dismiss the charge if they do not see sufficient reason for entering into the inquiry, notifying such dismissal to the Government, ...	„	VI.	
„ Sudr Court and Board may require the complainant to furnish security for prosecuting the charge to a conclusion, ...	„	VII.	
„ The Sudr Court and Board may institute inquiries into matters implicating the conduct of public Officers appearing in the course of any proceedings before them, for reporting to the Government although no charge be preferred, ...	„	VIII.	
„ If deemed necessary Government may appoint Commissioners for making a regular inquiry, ...	„	IX.	
„ Such Commissioner to be placed under what control, ...	„	X.	
„ Form of Oath to be taken by the Commissioners, ...	„	XI.	
„ Government to decide whether the prosecution shall be conducted by the accuser or the Government, ...	„	XII.	
„ Forms of procedure of the Commission,	„	XIII.	
„ Commissioner to be vested with the power of Zillah Courts except in certain respect as mentioned, ...	„	XIV.	

	Act.	Section.	Clause.
Inquiries—Both the accused and accuser may record their respective remarks and observations at the close of the evidence for the prosecution and defence,	XIII.	XV.	
„ After the conclusion of the proceedings Commissioners shall submit them to the Government, or the controlling Court or Board, as the case may be, with their own opinion.	„	XVI.	
„ Government or Controlling Court or Board may call for further evidence and explanation,	„	XVII.	
„ The Court or Board after receipt of the Commissioner's Report, shall submit the proceedings to the Government with their own opinion as to what charges have been established,	„	XVIII.	
„ On a Special Commission being appointed Government shall decide whether the accused Officer shall be suspended from office, and whether he shall draw his allowances or not,	„	XIX.	
„ On consideration of the proceedings Government will pass such decision as may appear consistent with its power, and if necessary instruct its Law Officers to prosecute the accused before a Court of Law. Aggrieved parties may at all times seek redress by Law against the accused,	„	XX.	

	Act.	*Section.*	*Clause.*
J.			
Jail—Zillah—in the Madras Presidency shall be placed under the Session Judge under what circumstances,.....	VII.	XLVIII.	
„ to be placed under the charge of the Judge of the Subordinate Criminal Court under what circumstances, ...	„	XLIX.	
Judicial system of the Madras Presidency modified—See Courts.			
Justice—administration of Civil and Criminal—in the Districts of Kurnool and Bunganapilly in the Madras Presidency —See Kurnool.			
Justice of the Peace in the Mofussil—Law concerning appeals from—amended, See Appeals.	IV.		
K.			
Kurnool and Bunganapilly in the Madras Presidency—administration of Civil and Criminal Justice and Police and Superintendence of all Revenue affairs in the Districts of—may be vested in an Agent and his Assistants, ...	X.	I.	
„ Government may prescribe rules for guidance of Agent and his subordinates and fix the limit of the agent's final civil jurisdiction, and of appeals to the Sudr Udalut, and may define his authority in criminal trials, and what cases shall be submitted to the Foujdaree Udalut, ...	„	II.	

	Act.	Section.	Clause.
Kurnool and Bunganapilly in the Madras Presidency—On trials referred Foujdarree Udalut shall pass judgment or order as in cases from a Judge of Circuit, ...	X.	III.	
„ Civil appeals to be decided by Sudr Udalut as appeals from Provincial Courts,	„	IV.	
„ Government may alter the limits of the Agent's jurisdiction, ...	„	V.	
L.			
Lands in the Mofussils of Bengal, Madras and Bombay—registration of the conveyances of—regulated, ...	I.		
See Conveyances.			
Language in which decisions of Company's Courts of Justice shall be recorded—			
See decisions.			
Law Officers to the Zillah Courts in the Madras Presidency, ...	VII.	LI.	
See Courts.			
M.			
Magistrates—Law concerning appeals from —acting under Statute 53, Geo. III. Chapter 155 amended.			
See Appeals.			
Magistrates and their Assistants in the Madras Presidency may be prosecuted under Section XLIII. Regulation IX. 1816, in the Zillah Courts, ...	„	XXXVIII.	
„ to be reported to the Foujdaree Udalut by the Session Judge for any neglect or delay on their part by which the course of justice has been impeded, ...	„	XLI.	

	Act.	*Section.*	*Clause.*
Magistrates in the Madras Presidency—the powers of—under Regulation IX. of 1816, extended, ...	VII.	LIV.	1st.
„ may exercise the powers of Criminal Judges as under Section VII. Regulation X. of 1816, ...	„	„	
„ What shall be the form of their procedure in such case, ...	„	„	2d.
„ Appeals from the sentence or orders of —may be preferred to Session Judges in such cases, ...	„	LV.	
Mauritius—Emigrants to—See Emigration.			
Moonsiffs—such parts of Regulation XXIII. 1814, Bengal Code, as prohibit—from requiring security from defendants attaching their property or realizing fines, repealed, ...	VI.	III.	
„ may demand security from the defendants under Sections 4 and 5, Regulation II. 1806, and realize fines imposed by them, ...	„	IV.	
„ shall execute decrees of the Judges or Principal Sudder Ameens, in appeals from their decisions. Applications for such executions where to be made. Judge's decision in appeals from the orders of Moonsiffs in such cases to be final, ...	„	V.	
„ No person by reason of place of birth or descent shall be exempted in civil proceedings from the jurisdiction of, ..	„	VII.	
„ may receive and try suits of every description under the restrictions as in Clauses 1, 2, and 3, Section 5,			

	Act.	*Section.*	*Clause.*
Regulation V. 1831, except in cases mentioned, ...	VI.	VIII.	
Moonsiffs may receive and forward to the Judge cases which it may be objectionable for him to try for reasons stated in order that the Judge may refer them to another Moonsiff, ...	„	IX.	
„ in the Madras Presidency, may be employed by Subordinate Judges, Principal Sudder Ameens and Judges of Zillah Courts, for purposes mentioned in Sections LX. and LXI. Regulation VI. 1816, ...	VII.	XVII.	2d.
„ Cases pending before—may be called up under Section LIV. Regulation VI. 1816, by the Zillah Judge, and referred to other Courts as mentioned, ...	„	XVIII.	
„ Suits forwarded to the Zillah Judge by—Clause 2d, Section III. Regulation I. 1829, in which they may be interested, how to be disposed of,...	„	XIX.	
„ Civil actions and Criminal presecutions under Clause 1. and Section VIII. Regulation VI. 1816, with respect to District—shall be brought before the Zillah Courts,.....	„	XXIII.	
N.			
Nawaub Vizier—Law relating to the jurisdiction over Residents of the Town of Calcutta, of the Zillah Courts in the Provinces ceded to the Company by the—amended,.....	XXIII.		

	Act.	*Section.*	*Clause.*
O.			
Officers—European—and others within the Madras Presidency, not removeable without the sanction of Government, inquiries into the public conduct of—See Inquiries.			
P.			
Police—dismissal of Native Officers of—by the Foujdaree Udalut for misconduct,	VII.	XXXIX.	1st.
„ Superintendence of—in the Districts of Kurnool and Bunganapilly in the Madras Presidency—See Kurnool.			
Principal Sudder Ameens shall be guided in the decision of original suits by the rules of the Judges' Courts,..... ..	VI.	I.	
„ Section 4, Act XXV. 1837, shall extend to interlocutary orders in cases appealed from the decision of, ...	„	II.	
„ In the Madras Presidency how to act in cases where he has to call upon Collectors or other European Officers in matters before their Courts,.....	VII.	VII.	1st.
„ shall take what course if such Officers do not comply with their requisitions,	„	„	2d.
„ may confirm the decision of inferior Courts if there be no sufficient ground for impugning its correctness without reference to the order of the file or requiring the attendance of the opposite party, or may refer it back for revision			

	Act.	Section.	Clause.
to the Court whose order is appealed against,	VII.	XI.	
Principal Sudder Ameens may commit to the Session Judge, prisoners brought before them charged with crimes subject to his jurisdiction, ... See Session Judges.	„	XXIX.	
„ may communicate directly with the District Police Officers, for obtaining evidence in cases of prisoners forwarded by them,	„	XLII.	
„ trial of Europeans and Americans—for offences committed within the jurisdiction of, ... See Session Judges.	„	XLIII.	
„ European—at Cochin may exercise all the powers of a Criminal Court constituted under Regulation II. 1827, and of a Joint Magistrate,	„	XLVII.	
Processes of the Sudr Udalut in the Madras Presidency, described in Sections 13 and 14 of Regulation V. of 1802, to be directed to the Zillah Courts,	„	XIII.	
—all other—of the said Court by whom to be served,	„	XV.	
Property subject to any Trust vested in Registrar of the Supreme Court, when Trustees to such property are incapable of acting as such—See Trustee.			
Provinces ceded by the Nawaub Vizier—Law relating to the jurisdiction of Zillah Courts in the—and other Zillah Courts over persons residing in Calcutta, amended,	XXIII.		

	Act.	*Section.*	*Clause.*
Provincial Courts of Appeal and Circuit in the Madras Presidency abolished, and new Zillah Courts established instead, See Courts.	VII.	I.	
„ Criminal cases pending before—at the time of their abolition how to be disposed of,	„	LVI.	
Provincial Courts of Appeal in the Madras Presidency—disposal of cases pending before—on the date of their abolition, See Appeals and Suits.	VIII.		
Punchayets—applications for the execution of decisions of District—may be referred by Zillah Judges to Subordinate Judges and Principal Sudder Ameens,	„	XX.	
R.			
Registrar of Supreme Court vested with the administration of trust property when the Trustee of such property is incapable of acting—See Trustee.			
Registration* of Conveyances of Lands within the Mofussils of Bengal, Madras and Bombay, regulated,	I.		
Registration of Deeds of Sale, Gift or Mortgage—Law respecting—amended for removing doubts as to their authenticity,	XIX.	II.	
„ Confined to particular conveyances or instruments affecting title to land,	„	III.	
Regulations of the Bengal, Madras or Bombay Codes, touching the invalidity			

Repealed by Act XIX. of 1843.

of

	Act.	*Section.*	*Clause.*
of conveyances affecting titles to Lands owing to the knowledge by parties registering such conveyances of the existence of an unregistered conveyance of the same, repealed—See Conveyances.			
Regulation XXV. 1814, Bengal Code—Section 16 of—modified, ... See Appeals.	II.		
„ V. 1831, Bengal Code, Clause 4, Section 18 of—modified, ...	VI.	I.	
„ XXIII. 1814, Bengal Code—parts of —repealed,.....	„	III.	
„ II. 1806, Bengal Code, Sections 4 and 5 of—extended to Sudder Ameens and Moonsiffs, ...	„	IV.	
„ V. 1831, Bengal Code—Section 22 of —modified,.....	„	V.	
„ XXIII. 1814, Bengal Code, Clause 2, Section 13 of—repealed, ...	„	VI.	
„ V. 1831, same Code, Clause 4, Section 5 of—repealed, ...	„	„	
„ VII. 1827, Madras Code—Section 7 of —rescinded, ...	VII.	V.	
„ Ditto ditto ditto, Section 9 of— modified,.....	„	VII.	
„ of the Madras Code requiring inferior Courts to furnish the Sudr Udalut with translations of papers, rescinded,	„	XII.	
„ V. of 1802, Madras Code—Sections 13 and 14 of—modified, ...	„	XIII.	
„ III. 1833, same Code—Section VI. of —modified,.....	„	XVI.	
„ VI. and VII. of 1816—all parts of—in which Zillah Judge is mentioned shall			

be

	Act.	*Section.*	*Clause.*
be applicable to Zillah Courts excepting Section LVI. Regulation VI. 1816, which shall be applicable to Subordi nate Judges and Principol Sudder Ameens as extended by Section V., Regulation III. of 1833, of the same Code,	VII.	XVII.	1st.
Regulation VI. of 1816—same Code—all parts of—in which Provincial Court is mentioned shall be applicable to Sudr Udalut, ...	„	„	
„ VIII., 1816, same Code, Section III. of—rescinded, ...	„	XXIV.	
„ VIII. 1816, same Code, Section XIV. of—modified, ...	„	XXV.	
„ XIII. 1832, same Code, Section II. of—rescinded, ...	„	XXVIII.	
„ X. 1816, same Code, Clauses 1st and 3d, Section IX. of—modified, ...	„	XXIX.	
„ III. 1833, of the same Code—Section II. of—modified, ...	„	XXXVI.	
„ Section 26, Regulation X. 1816, Clauses 2 and 3, Section 4, Regulation II. 1822, Clause 2, Section 5, and Clauses 2 and 4, Section VIII., Regulation VI. 1827, Madras Code, made applicable to Session Judges, ...	„	XXXVII.	
„ IX. 1816, Madras Code, Section 43 of—modified, ...	„	XXXVIII.	
„ XIII. 1832, same Code, Section III. of—modified, ...	„	XXXIX.	
„ XVI. 1827, Bombay Code—Sections 17 and 18 of—rescinded, ...	XI.	I.	
„ III. 1809, II. 1810, VI. 1818 and VIII. 1822, Madras Code—repealed, ...	XIII.	I.	

Regulation

	Act.	*Section.*	*Clause.*
Regulation XVI. 1829, Act II. 1838, and so much of Regulation IX. 1810, and other Regulations and Acts as affect Customs Duties or Manufacture of Salt in the North Western Provinces of the Bengal Presidency, repealed, ...	XIV.	I.	
„ IX. 1808, Bengal Code, Sections 2 and 3 of—and Regulation XVI. 1810, Sections XVI. and XVII. of—respecting the offering of Rewards for the apprehension of offenders—repealed,...	XVI.	I.	
„ III. 1793, part of Section XVII. of—as relates to the jurisdiction of Zillah 24-Pergunnahs, repealed—See Twenty-four Pergunnahs,.....	XXII.		
„ II. 1803, Bengal Code, Section XII. of—as regards the jurisdiction of Zillah Courts in the Provinces ceded by the Nawaub Vizier to the Company over residents in Calcutta, and other Regulations extending the same to other Provinces, Zillahs and Pergunnahs, repealed,.....	XXIII.		
Revenue—Collection and Superintendence of—in the Districts of Kurnool and Bunganapilly—See Kurnool.			
Rewards—Rules respecting the offering of —for the apprehension of offenders, amended,.....	XVI.		
S.			
Salt—Rates of duty on import of—in the North Western Provinces,.....	XIV.	II.	

	Act.	*Section.*	*Clause.*
Salt—manufacture of alimentary—throughout the N. W. Provinces of Bengal, without sanction of Government prohibited under penalty, ...	XIV.	IV.	
„ Collector of Customs and Land Revenue may destroy all works for the manufacture of Salt, seize the Salt and commit the persons concerned to the Magistrate, ...	„	V.	
Session Judges in the Madras Presidency shall proceed in what manner in trying prisoners committed before them, ...	VII.	XXX.	
„ to be associated by the Mahomedan Law Officer of their Courts in the trial of prisoners subject to the Regulations applicable to Law Officers sitting with the Courts of Circuit, ...	„	XXXI.	
„ may avail of the assistance of Native Assessors or Members of their Courts and in what manner, ...	„	XXXII.	1st.
„ The Law Officer to be one of the Assessors or Jury, ...	„	„	2d.
„ shall pass the decision according to their own opinion whether they agree with the Assessors or not—if they differ the case to be referred to the Foujdaree Udalut for confirmation, ...	„	„	3d.
„ may overrule judgments passed by Sudder Ameens in criminal cases, ...	„	XXXVI.	
„ Section XXIV. Regulation X. 1816, Clause 2 and 3, Section IV. Regulation II. 1822, Clause 2, Section V., and Clauses 2 and 4, Section VIII. Regulation VI. 1827, made applicable to, ...	„	XXXVII.	

	Act.	*Section.*	*Clause.*
Session Judges—Prosecutions against Magistrates and their Assistants under Section 43, Regulation IX. 1816, shall be instituted in the Court of,.....	VII.	XXXVIII.	
„ shall notify to the Foujdaree Udalut the misconduct of Native Police Officers noticed by them in a case investigated by themselves or by Subordinate Judges or Principal Sudder Ameens, ...	„	XXXIX.	1st.
„ shall furnish a copy of their Report to the Magistrate, and the Foujdaree Udalut shall pass a final order on receipt of the Magistrate's answer,.....	„	„	2d.
„ shall notify to the Magistrate any minor offences of the Subordinate Officers of Police, and record such notifications in the periodical returns to the Foujdaree Udalut, ...	„	XL.	
„ shall notify to the Foujdary Udalut any neglect of the Magistrate or his Subordinate Officers, by which the course of justice has been impeded, ...	„	XLI.	
„ may communicate directly with the District Officers of Police for obtaining evidence in cases of prisoners forwarded by them, ...	„	XLII.	
„ may try Europeans and Americans for offences committed within the jurisdiction of the Principal Sudder Ameen, and not punishable by the Magistrate,	„	XLIII.	
„ may take cognizance of criminal cases subject to the jurisdiction of the Subor-			

	Act.	*Section.*	*Clause.*
dinate Courts and their own and sent by the Magistrate,.....	VII.	XLIV.	
Session Judges may exercise the criminal jurisdiction of Subordinate Courts constituted under Regulations I. and II. or VII. and VIII. 1827,.....	„	XLV.	
Single Judge of the Foujdaree Udalut—Power of—in the reversal of the decisions of inferior Courts—See Foujdaree Udalut.			
Slavery—Sale of persons in execution of decrees or on account of demand of Revenue, and the right to the compulsory labor of persons on the ground of —prohibited,.....	V.	I.	
„ Right of property in the person and services of another as a slave not to be enforced by any Civil or Criminal Court, ...	„	II.	
„ Property acquired by slaves protected,	„	III.	
„ Penal offences done to slaves how cognizable,..	„	IV.	
Special Appeals—See Appeals.			
„ Commissioners to be appointed for the disposal of cases pending before the late Provincial Courts in the Madras Presidency—See Appeals and Suits.			
Stolen property—persons accused of receiving from others concerned in Dacoitees committed within or without the Company's Territories, how punishable—See Dacoits.			
Subordinate Judges in the Madras Presidency may confirm the decision of			

lower

	Act.	*Section.*	*Clause.*
lower Courts, or refer it back to the Court whose order is appealed against,	VII.	XI.	
Subordinate Judges in the Madras Presidency may employ District Moonsiffs for the purposes specified in Sections 60 and 61, Regulation VI. 1816, ...	„	XVII.	2d.
„ may commit to the Session Judge prisoners brought before them charged with crimes subject to his jurisdiction,	„	XXIX.	
„ may communicate directly with District Police Officers for obtaining evidence in cases of prisoners forwarded by them,	„	XLII.	
„ Officers appointed to Zillah Courts—See Courts.			
Sudder Ameens—parts of Regulation XXIII. 1814, Bengal Code, which prohibit from requiring security from defendents, or attaching their property or realizing fines—repealed, ...	VI.	III.	
„ may demand security from defendents under Sections 4 and 5, Regulation II. 1806, and realize fines imposed by them,	„	IV.	
„ shall execute decrees of the Judges or Principal Sudder Ameens in appeals from their decisions, applications for such executions where to be made—Judge's decision in appeals from the orders of the Moonsiffs in such cases to be final, ...	„	V.	
„ the power of suspending—vested in Zillah Courts in the Madras Presidency,	VII.	XVI.	
„ in the Madras Presidency—Civil and Criminal actions under Clauses 1 and 2, Section VIII. Regulation VI. 1816			

	Act.	Section.	Clause.
as extended by Section XIII., Regulation VIII. 1816 with respect to Sudder Ameens shall be brought before the Zillah Courts, ...	VII.	XXIII.	
Sudder Ameens may order execution of decisions passed by them, and issue all process relative to proceedings before them, and may realize fines, ...	„	XXV.	
„ at detached Stations may receive and dispose of Civil Suits within his jurisdiction without the intervention of the Zillah Judge, as also criminal cases sent by the Police, ...	„	XLVI.	
„ the Zillah Jail shall be under the—when the Subordinate Criminal Court is constituted according to Regulation VIII. of 1827, ...	„	XLVIII.	
„ When placed under Subordinate Criminal Court the Jail to be visited by,	„	XLIX.	
Sudder Dewanny Adawlut—How shall a single Judge of—act when of opinion that the decision appealed from should be reversed or altered—See Appeals.			
Sudr Udalut at Madras—appeals from orders of Zillah Courts to lie to, ...	„	IX.	
„ a single Judge of—competent to hold sittings and pass orders on all matters,	„	X.	1st.
„ He may confirm the decision of any inferior Court or refer it back to the Court the order of which is appealed against,.....	„	„	2d.
„ He may call for proceedings or explanations of the Lower Courts before deciding a case of appeal,.....	„	„	3d.

	Act.	*Section.*	*Clause.*
Sudr Udalut at Madras—He may stay the execution of the order of any inferior Court until the passing of a final decision,	VII.	X.	4th.
„ shall no longer be furnished by inferior Courts with translations of papers in cases of appeals,	„	XII.	
„ processes issued from the—under Sections 13 and 14, Regulation V. of 1802 to be directed to the Zillah Courts,...	„	XIII.	
„ Execution of the decrees of—may be referred by the Zillah Courts to the Subordinate Judges or Principal Sudder Ameens,	„	XIV.	
„ Processes issued by—by whom to be served,	„	XV.	
„ All parts of Regulation VI. of 1816, Madras Code, in which Provincial Court is mentioned, shall be applicable to,	„	XVII.	1st.
Sugar—refined and unrefined—rates of duty on—exported from the North Western Provinces of Bengal,	XIV.	II.	
„ imported into the said Provinces to be seized and confiscated,	„	VI.	
Suits—original—Principal Sudder Ameens shall be guided by what rules in the decision of,	VI.	I.	
„ original—pending before Provincial Courts of Appeal in the Madras Presidency on the date of their abolition, how to be disposed of,	VIII.		
Supreme Court may appoint the Registrar or any other Officer of such Court, to act as Trustee of any property subject			

	Act.	*Section.*	*Clause.*
to Trust, when the Trustee of such property is incapable of acting as such —See Trustee.			
T.			
Thuggee—persons sentenced to imprisonment or transportation for—or Dacoity —by Courts within the Territories of Native States in alliance with the Company may be kept in custody within the Company's Territories—a Covenanted Officer of the Company to be one of the presiding Judges at the trial of such offenders, ... See Dacoity.	XVIII.		
Translations of papers in the Vernacular languages not required to be furnished by the inferior Courts in the Madras Presidency to the Sudr Udalut in appeal and other cases, ...	VII.	XII.	
Trustee—Supreme Court may appoint the Registrar or other Officer of such Court to act as official—in cases of trust property, when the Trustee is incapable of acting as such, ...	XVII.	I.	
„ the property how to be invested, and the Officer entitled to what commission,	„	II	
„ Supreme Court may make orders on petitions respecting such property or the interest thereof, ...	„	III.	
„ property may be re-transferred to the original or subsequently appointed Trustees, ...	„	IV.	

	Act.	*Section.*	*Clause.*
Trustee—Parties may pay to the official Trustee Gifts and Legacies due to Infants or Lunatics,	XVII.	V.	
„ Provisions of this Act except as regards the rate of commission, shall extend to any property of Infants or Lunatics in the hands of the Ecclesiastical Registrar,		VI.	
Twenty-four Pergunnahs—Law relating to the jurisdiction of Zillah—as regards persons residing in Calcutta, against whom suits have been instituted there, amended,	XXII.		
U.			
Uncovenanted Deputy Magistrates—Government of Bengal and North Western Provinces may appoint in any district one or more,	XV.	I.	
„ shall make a declaration before taking charge of office,	„	II.	
„ definition of duties and powers of,	„	III.	
„ Uncovenanted Officers in the Revenue and Judicial Department may hold the office of—with any other,	„	IV.	
„ not dismissible without the sanction of Government—Magistrates shall report to Government when a Deputy Magistrate is found disqualified, and the Government shall suspend or dismiss him as may be proper,	„	V.	
„ No native or natural born subject of Her Majesty within the Company's			

	Act.	*Section.*	*Clause.*
Territories, by reason of religion, place of birth, descent or color disabled from serving as Deputy Collector under Regulation IX. of 1833, ...	XV.	VI.	
V.			
Vakeels in the Zillah Court in the Madras Presidency—See Courts.			
Vernacular language of the presiding Officer of the Company's Courts of Justice shall be used in writing his decisions—See decisions.			
Z.			
Zillah Courts—See Courts.			

Calcutta, 1844:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

INDEX

TO THE

ACTS FOR 1843.

ACT No. I. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council on the 27th January 1843, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for amending the Law concerning the Registration of written Conveyances and other instruments affecting Titles and other interests to Land.

WHEREAS the Registry Laws now in force in the respective Mofussils of Bengal, Madras and Bombay, provide that registered conveyances and other instruments affecting Titles to land and other interests therein shall not take precedence of unregistered conveyances and instruments in cases where the party registering shall have known of the existence of such unregistered conveyances or other instruments. And whereas a complicated system of law has arisen out of the construction which is to be given to the provisions regarding the knowledge of parties, or notice had by them in such cases. And whereas much perjury has been committed in investigations touching the fact of such notice or knowledge, and much of the time of the Courts has been occupied with such investigations. And whereas in consequence of forgeries, perjuries, fraudulent concealments, and other practices, no person purchasing or advancing money on the Security of Land, can safely rely on the conveyances or other instruments affecting the title to such land or other interest therein affording, by means of their being registered, a Security against

conveyances

conveyances or instruments being set up, as of previous date, by unregistered claimants:

It is hereby enacted, that all provisions contained in any Regulation or Regulations of the Bengal, Madras or Bombay Codes, touching such knowledge or notice as aforesaid, of previous unregistered conveyances, or instruments affecting titles to land or other interests therein, shall be repealed from the first day of May next; and every conveyance or other instrument affecting title to land, or any interest in the same authorized by those Codes respectively, to be registered, shall so far as regards any lands to which the same relate, be void as against any person claiming under any subsequent conveyance or other instrument duly registered, unless the prior conveyance or instrument shall have been duly registered before the registration of the subsequent conveyance or instrument; any alleged notice or knowledge of such prior conveyance or instrument notwithstanding. Provided always that this Act shall not be construed to extend to any conveyance or other instrument made before the first day of May next.

Calcutta, 1843:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. II. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 1st of February 1843, with the assent of the Right Hon'ble the Governor General of India.

An Act to regulate the Sittings of the Courts of Sudder Dewanny Adawlut.

I. IT is hereby enacted, in modification of Section 16, Regulation XXV. 1814, that when a single Judge of the Sudder Dewanny Adawlut, trying a case in Appeal, regular or special, from any Subordinate Court, shall be of opinion that the decision appealed from ought to be reversed or altered, he shall always call in two other Judges of the Court to sit with him, and that the Appeal shall be then heard by the three Judges sitting together, and be decided by them without any additional voices. In such cases the decree or final order shall be signed by the three Judges, if they agree together; but, if one of them dissent from the view taken by the majority, by the two Judges who agree together, and the signature of the third Judge shall not be considered requisite, but his opinion shall be recited in the decree or final order.

II. Provided, that the above rule shall not be applicable to summary appeals, or to appeals in miscellaneous cases, nor shall it be held to interfere with the powers of a single Judge of the Sudder Dewanny Adawlut, under Clause 2, Section 2, Regulation IX. 1831.

Calcutta, 1843:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. III. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 1st of February 1843, with the assent of the Right Hon'ble the Governor General of India.

An Act for amending the Rules of Special Appeals.

I. IT is hereby enacted, that from and after the 1st day of May next, a Special Appeal shall lie to the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad respectively, to the Court of Sudder Adawlut at Madras, and to the Court of Sudder Dewanny Adawlut at Bombay, from all decisions passed on regular Appeals in the Civil Courts subordinate to them respectively, which shall appear to be inconsistent with some law, or usage having the force of law, or some practice of the Courts, or shall involve some question of law, usage, or practice, upon which there may be reasonable doubts.

II. And it is hereby enacted, that applications for Special Appeals shall not be admitted unless they are presented to the proper Court as aforesaid within the period limited for the presentation of regular Appeals.

III. And it is hereby enacted, that every application for a Special Appeal shall be accompanied by copies of the several decrees previously passed on the case.

IV.

IV. And it is hereby enacted, that every application for a Special Appeal duly presented to the proper Court as aforesaid shall be heard by a single Judge of the Court in the presence of the Special Appellant, or his Vakeel, or Agent, and it shall be competent to the Judge at his discretion, to call for and peruse any document forming a part of the record of the cause, and to summon the opposite party to answer the application.

V. And it is hereby enacted, that if it shall appear to the Judge that a Special Appeal is admissible under this Act he shall pass an order accordingly, and shall at the same time reduce the point or points to be determined to writing in English in the form of a Certificate which shall be translated into the vernacular language in use in the Court and the Special Appeal shall then be brought on the file of the Court to be heard and determined in due course. Provided that it shall not be necessary to call for or refer to any part of the proceedings the reading of which is not required for deciding the point or points of law stated in the Certificate.

VI. And it is hereby enacted, that if it shall appear to the Judge that a Special Appeal is not admissible under this Act he shall reject the petition, and his order so rejecting a petition for a Special Appeal shall be final.

VII. And it is hereby enacted, that in every case of Special Appeal admitted as aforesaid the Court of Sudder Dewanny Adawlut shall determine the point or points, certified as above enacted, and no other point or part of the case whatever.

VIII. Provided that when the special ground of Appeal may have been incorrectly or incompletely certified, it shall be competent to the Court to amend the Certificate. Provided that such amendment shall relate only to the

the point or points originally stated in the Certificate, and it shall not be lawful for the Court to receive or add any new point or points.

IX. And it is hereby declared, that the existing Laws and Regulations of the Presidencies of Bengal, Madras and Bombay relating to Special Appeals, shall continue in force so far as they are not inconsistent with the provisions of this Act.

X. And it is hereby enacted, that nothing contained in this Act shall affect the hearing of second or Special Appeals which shall have been admitted and be pending in Appeal before the said 1st day of May next, and that all such second or Special Appeals shall be heard and decided in the same manner as if this Act had not passed.

Calcutta, 1843:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

No. 25 April 1843.

ACT No. IV. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 24th of March 1843, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for amending the Law concerning Appeals from Justices of the Peace, and from Magistrates acting under the Statute 53 *Geo. III. Ch.* 155.

WHEREAS, in many cases provided by law, offences may be prosecuted before Magistrates not acting within local limits of the jurisdiction of Her Majesty's Supreme Courts, and which such Magistrates may take cognizance of either in their Magisterial capacity under the Regulations, or as Justices of the Peace. And whereas the Appeal from convictions before Magistrates acting in their Magisterial capacities, and from the like convictions before Justices of the Peace are subject to different rules. And whereas in all cases of convictions before Justices of the Peace in the Mofussil and before Magistrates exercising jurisdiction under the provisions of Statute 53 Geo. III. C. 155, in cases of assaults, forcible entries, or other injuries accompanied with force committed by British subjects, the law as to Appeals requires amendment;—

I. It is hereby enacted, that an Appeal shall lie from all sentences passed by any Justice of the Peace acting without the local limits of any of Her Majesty's Supreme Courts upon convictions had before him for any offence, and from all sentences passed by any Magistrate upon convictions had before him exercising such jurisdiction as aforesaid, to the same authority and subject to the same rules as are provided by the Regulations and Acts of the Government

ment in the case of sentences passed by Magistrates in the exercise of their ordinary jurisdiction. And cases so made the subject of Appeal shall not be afterwards liable to revision by means of a Writ of Certiorari.

II. And it is hereby provided that nothing in this Act contained shall be held to take away the power of quashing any conviction by means of a Writ of Certiorari, in any other case than where there has been such Appeal as aforesaid.

Calcutta, 1843:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

Rec'd 2 May 1843.

ACT No. V. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 7th of April 1843, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for declaring and amending the Law regarding the condition of Slavery within the Territories of the East India Company.

I. IT is hereby enacted and declared, that no public Officer shall in execution of any decree or order of Court, or for the enforcement of any demand of Rent or Revenue sell or cause to be sold any person, or the right to the compulsory labor or services of any person on the ground that such person is in a state of slavery.

II. And it is hereby declared and enacted, that no rights arising out of an alleged property in the person and services of another as a slave shall be enforced by any Civil or Criminal Court or Magistrate within the Territories of the East India Company.

III. And it is hereby declared and enacted, that no person who may have acquired property by his own industry, or by the exercise of any art, calling or profession, or by inheritance, assignment, gift or bequest shall be dispossessed of such property or prevented from taking possession thereof on the ground that such person or that the person from whom the property may have been derived was a slave.

IV. And

IV. And it is hereby enacted, that any act which would be a penal offence if done to a free man, shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

Calcutta, 1843 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. VI. OF 1843.

Passed by the Hon'ble the President of the Council of India in Council, on the 21st of April 1843, with the assent of the Right Hon'ble the Governor General of India.

An Act for amending the Law concerning the jurisdiction and procedure of the Courts of Ameens and Moonsiffs.

I. IN modification of Clause 4, Section 18, Regulation V. of 1831, Bengal Code, it is hereby enacted, that in the trial and decision of all original Suits referred to them by the Judge, the Principal Sudder Ameens shall be guided by the rules established for the conduct of business in the Courts of the Zillah and City Judges.

II.—And it is hereby enacted, that the provisions of Section 4, Act No. XXV. of 1837, in respect to appeals from decisions passed by Principal Sudder Ameens, in Suits of the nature specified therein, be extended to all interlocutory orders passed by those Officers in such Suits.

III.—And it is hereby enacted, that such parts of Regulation XXIII. 1814, as prohibit the Sudder Ameens and Moonsiffs from requiring security from defendants; or from attaching their property in cases pending before them; or from realizing fines imposed by them without first obtaining the sanction of the Zillah Judge, be repealed.

IV.—And

IV.—And it is hereby enacted, that it shall be competent to the Sudder Ameens and Moonsiffs to demand security from the defendant, under the provisions of Sections 4 and 5, Regulation II. 1806, in cases pending before them; and also to proceed, without reference to the Zillah Judge, to the realization of fines imposed by them, provided that all orders passed by the Sudder Ameens and Moonsiffs under this Section, be subject to an appeal to the Zillah Judge.

V.—And it is hereby enacted, in modification of Section 22, Regulation V. of 1831, that decrees passed in the Courts of the Judges or Principal Sudder Ameens, in cases of appeal from the decisions of the Sudder Ameens or Moonsiffs, shall be executed by the Courts in which the original decisions were passed, under the general rules prescribed for the execution of decrees passed by those Courts—applications for the execution of such decrees shall be presented, together with a certified copy of the decree of the Judge or Principal Sudder Ameen to the Court of original jurisdiction. In appeals from the orders of the Moonsiff or Sudder Ameen in such cases the decision of the Zillah or City Judge shall be final.

VI.—And it is hereby enacted, that Clause 2, Section 13, Regulation XXIII. 1814, and Clause 4, Section 5, Regulation V. 1831, be repealed.

VII.—And it is hereby enacted, that no person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever, exempted from the jurisdiction of the Courts of the Moonsiffs, in the Territories subject to the Presidency of Fort William in Bengal.

VIII.—And it is hereby enacted, that persons invested with the powers of Moonsiff shall be competent to receive, try, and determine suits of every description under the restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section 5, Regulation V. 1831. Provided, however, that

that no Moonsiff shall try any suit, in which he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court shall be a party.

IX.—And it is hereby enacted, that in cases, where by reason of the above Section, a Moonsiff cannot try a suit because he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court is a party to the suit, it shall nevertheless be competent to the Moonsiff to receive the suit, and forward it to the Judge of the Zillah to which he is subordinate, who may thereupon refer the same for trial and decision to any other Moonsiff of the District.

Calcutta, 1843 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XII. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 29th July, 1843.

An Act concerning the time at which and the language in which the decisions of the Judges in the Courts of the East India Company are to be written.

WHEREAS it is expedient, that the decisions of Courts of Justice and the reasons for the decision should be written and signed by the Judge at the time of pronouncing his decision, and in the vernacular language of the Judge ;—

I. It is hereby enacted, that in all the Presidencies so much of all Decrees as consists of the points to be decided, the decision thereon and the reasons for the decision, and all injunctions for the revision of Decrees in regular suits, and all orders for Reviews of Judgment, which shall be passed by Judges of the Sudder Courts, or by Judges of Zillah and City Courts, or by Subordinate or Assistant Judges of Zillahs, shall be written originally in English, and signed by the Judge or Judges at the time of pronouncing such decision and orders; and shall be translated into the vernacular language, commonly used in the Court wherein the suit to which the Decree or Order relates, shall have been instituted ; and the translation shall be incorporated in the Decree.

II. Provided

II. Provided that nothing in this Act contained shall be construed to repeal or affect any Regulation of the Codes of the Presidencies of Fort St. George and Bombay, by which the Decrees of the Sudder Courts are required to be written in English, nor to repeal or affect any Regulation of the Code of the Presidency of Fort St. George, by which the Decrees of the Provincial and Zillah Courts, and the Auxiliary Courts under Assistant Judges, and the orders of the Sudder Court and Provincial Courts on Petitions presented to them, are required to be written in English.

And whereas it is expedient, that excepting as regards the language to be used, Principal Sudder Ameens, Sudder Ameens and Moonsiffs should be guided by the same rules as are herein-before provided for the guidance of the Superior Judges ;—

III. It is hereby enacted, that in all the Presidencies so much of all Decrees as consists of the points to be decided, the decision thereon and the reason for the decision, which shall be passed by Principal Sudder Ameens, Sudder Ameens or Moonsiffs, shall be written originally in the vernacular language of such Principal Sudder Ameen, Sudder Ameen or Moonsiff, and signed by such Principal Sudder Ameen, Sudder Ameen or Moonsiff at the time of pronouncing such decision and (in case such vernacular language shall not be the same as the vernacular language commonly used in the Court wherein the suit to which the Decree relates, shall have been instituted,) shall be translated into such last mentioned vernacular language, and the translation shall be incorporated in the Decree.

Calcutta, 1843 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XIV. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 5th August, 1843.

An Act for regulating the levy of Customs Duties, and the manufacture of Salt in the North Western Provinces of the Presidency of Bengal.

I. IT is hereby enacted, that Regulation XVI. 1829, Act II. 1838, and so much of Regulation IX. 1810, and of any other Regulation and Act, as affects the Collection of Customs Duties, or the Manufacture of Salt in the North Western Provinces of the Presidency of Bengal, shall be repealed from the 1st day of September, 1843.

II. And it is further enacted, that from and after the day abovementioned, the following and no other Duties of Customs shall be leviable upon the Import and Export of Articles into and from the North Western Provinces of the Presidency of Bengal, that is to say :

On the Import of Salt, of all descriptions, two Rupees per maund, and a further duty of one Rupee per maund on the transmission thereof to the Eastward of Allahabad.

On

On the Import of Cotton, uncleaned, four Annas per maund, cleaned, eight Annas per maund.

On the Export of Misree, Kund, Chenee and all clayed and refined Sugar, eight Annas per maund, Goor, Râb, Sheerah, and all unclayed and unrefined Saccharine produce, three Annas per maund.

The Import of Sugar into any part of the said Provinces, is, and shall remain prohibited.

III. And it is further enacted, that it shall be lawful for the Government of the said Provinces from time to time to make and issue such orders as may be deemed expedient for the collection of the aforesaid Duties in such manner, and upon such line or lines, and at such places on or near such line or lines as may seem fit, and all such orders shall have the same force as if they formed a part of this Act from the date notified in the Gazette, wherein they shall be published.

IV. And it is further enacted, that from and after the First day of September 1843, the manufacture of alimentary Salt throughout the North Western Provinces of the Presidency of Bengal, without the express sanction of the Government, is prohibited; and that any person engaging in the manufacture of such Salt, or preparing or causing to be prepared works for the manufacture of such Salt, without such sanction, and all Zemindars or other proprietors of land, or their Agents, conniving at such illicit manufacture, shall on conviction by the Magistrate, within the limits of whose District the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment of such fine, by imprisonment not exceeding six months with or without hard labor, and that all works at which such manufacture shall have been

been conducted, or which are designed for such manufacture shall be destroyed, and any Salt which may be manufactured or stored thereat, shall be seized and confiscated.

V. And it is further enacted, that it shall be lawful for the Collectors of Customs and the Collectors of Land Revenue within their jurisdictions, to destroy all works for the manufacture of Salt, and to seize the Salt stored thereat, and to apprehend the persons concerned in the manufacture thereof, and make them over for trial to the Magistrate within the limits of whose District the offence may have occurred.

VI. It is further enacted, that all Sugar imported into the said Provinces, and all Articles imported or exported without payment of the duties imposed by this Act, or in contravention of the orders which may be made and issued under the provisions thereof, and all Boats, Carriages and Conveyances, and all animals used in transporting the same, shall be liable to be seized and confiscated in the manner hereinafter mentioned.

VII. And it is further enacted, that all persons evading or attempting to evade the payment of the duties imposed by this Act, and all persons aiding or abetting such attempts or evasions, or in any manner acting in contravention of this Act, or of any order made and issued under the provisions thereof, and all Zemindars and other Proprietors of land, or their Agents, who shall wilfully connive at such attempts or evasions or aid such acts, shall on conviction by the Magistrate within the limits of whose District the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment thereof by imprisonment not exceeding six months with or without hard labor.

VIII. And

VIII. And it is further enacted, that it shall be lawful for all Officers of the Customs Department to search any carriages and conveyances, and any packages upon reasonable grounds of suspicion that such carriages, conveyances or packages, contain any articles made subject to duty, or prohibited to be imported by this Act, and to detain all such articles as may be liable to confiscation under the provisions thereof.

IX. And it is hereby enacted, that whenever any articles or goods shall be seized or detained under the provisions of this Act the Collector or Deputy Collector of Land Revenue or Customs, within whose jurisdiction such seizure or detention shall occur, shall, with all practicable expedition, report the case for the determination of the Commissioner of Revenue, and it shall be lawful for such Commissioner to declare such articles or goods to be confiscated, or to impose such lesser penalty in lieu thereof as to him may seem fit.

X. And it is hereby enacted, that it shall be lawful for all Officers in the Customs Department to apprehend any person upon reasonable grounds of suspicion that such person is liable to punishment under this Act, and to make him over for trial with all practicable expedition to the Magistrate within whose jurisdiction the offence may occur.

XI. Provided always, that any Officer of the Customs Department who shall without reasonable grounds of suspicion search any carriage or conveyance or any package, shall upon conviction thereof before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 250 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding three months; and provided also, that any Officer of the Customs Department who shall under color of this Act apprehend any person without reasonable grounds

of

of suspicion that such person is liable to punishment under this Act, shall upon conviction before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 500 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding six months.

XII. And it is hereby enacted, that all Magistrates, or persons exercising the powers of Magistrate, shall be competent to receive and determine all charges against persons thus made over to them for trial on account of offences against this Act, and that all sentences passed in pursuance of this Act, shall be open to appeal under such Rules as may from time to time be laid down for the cognizance of appeals in ordinary cases.

XIII. And it is hereby enacted, that all Officers of Police, and all Officers of the Government engaged in the Collection of the Land Revenue, are empowered and required to aid and assist the Officers of the Customs Department in the execution of this Act.

XIV. And it is further enacted, that nothing in this Act contained shall apply or be deemed to apply to the Saugor and Nerbudda Territories, or to the District of Ajmere.

Calcutta 1843:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XV. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 5th August, 1843.

An Act for the more extensive employmcnt of Uncovenanted Agency in the Judicial Department.

WHEREAS the exigencies of the public service require that the Police and Criminal Branch of the Judicial Department should be strengthened by the more extensive employment of Uncovenanted Agency;

I. It is hereby enacted, that it shall be competent to the Local Governments of both Divisions of the Bengal Presidency to appoint in any Zillah or District one or more Uncovenanted Deputy Magistrates with the powers hereinafter specified.

II. And it is hereby enacted, that every person appointed to the Office of Deputy Magistrate under this Act, shall, previously to entering upon the execution of the duties of his Office, make and subscribe before the Magistrate of the District to which he may be appointed, a declaration according to Act XXI. 1837.

III. And

III. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall be capable of being employed as a Judicial Officer or as an Officer of Police, or both, at the discretion of the Local Government. As a Judicial Officer he shall exercise the powers of a Covenanted Assistant under Regulations XIII. 1797, IX. 1807, or III. 1821, or the full powers of a Magistrate according to such orders as may from time to time be issued in that respect by the Local Government, and in such cases he shall be subject to such authority in regard to Appeals from his decisions and judicial orders as is provided for the decisions and orders of a Covenanted Assistant under the above Regulations, or of a Magistrate respectively. As an Officer of Police he shall be in all respects subordinate to the Magistrate under whom he may be placed; he shall exercise such powers as the Government, or the Magistrate with the sanction of Government, may commit to him, and shall obey all orders that may be issued, and perform all duties that may be assigned to him by that functionary, who shall be at all times competent, subject to such orders as he may receive from the Local Government, to extend, limit or resume the powers committed to such Deputy.

IV. And it is hereby enacted, that nothing in this Act contained shall be held to disqualify any Uncovenanted Officer in the Revenue and Judicial Departments, from holding at the same time with any other Office, the office of Deputy Magistrate.

V. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall not be dismissed from Office for misconduct, without the sanction of the Local Government. Whenever there may be reason to believe that a Deputy Magistrate is disqualified by neglect, incapacity or corruption for continuance in Office, a report shall be submitted by the Local Magistrate for the consideration and orders of the Local Government which shall be competent

petent to suspend him, and order a further enquiry into his conduct, or to direct his immediate dismissal as may appear just and proper.

VI. And it is hereby declared, that no native of the Territories subject to the Government of the East India Company, nor any natural born subject of Her Majesty resident therein is by reason only of his religion, place of birth, descent, color or any of them disabled from holding the office of Deputy Collector under Regulation IX. of 1833.

Calcutta, 1843:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XVI. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 12th August, 1843.

An Act regarding the offering of Rewards for the Apprehension of Offenders.

WHEREAS inconvenience has been experienced from the Rules in force which provide that Magistrates shall apply to the Courts of Sudder Nizamut Adawlut and the Courts of Circuits, or Courts exercising the powers of the old Courts of Circuit when it may appear advisable to offer a reward for the apprehension of a known offender, or the discovery of unknown offenders in cases of magnitude. And whereas it is expedient that all such applications should be made to such Officer or Officers as from time to time may be empowered by the Local Governments to authorize the grant of rewards;

It is hereby enacted, that Sections 2 and 3, Regulation IX. of 1808, and Sections XVI. and XVII. Regulation XVI. 1810 of the Bengal Code, be and the same are hereby repealed.

Calcutta, 1843:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XVII. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 19th August, 1843.

An Act for the Appointment of Official Trustees in certain cases.

WHEREAS the property of Infants, Feme-Coverts and others vested in Trustees, is exposed to peculiar risks and burthens in the Territories, subject to the Government of the East India Company, not only from the Insolvency of Trustees, but from the frequent difficulties occasioned by their death, or absence, or refusal, or incapacity to act:

I. It is hereby enacted, that in all cases in which any property is subject to any Trust, and there shall be no Trustee willing to act, or capable of acting within the jurisdiction of Her Majesty's Courts in the said Territories, it shall be lawful for the Supreme Court of each of the Presidencies in the said Territories, on petition to appoint the Registrar, or such other Officer of the Court, as the Court may from time to time select as the Official Trustee, under the provisions of this Act to be a Trustee of such Property, and that upon such appointment such Property shall vest in such Officer and his successors in office, and shall be held by them upon the same Trusts as the same was held previous to such appointment.

II. And

II. And it is hereby further enacted, that such Officer shall cause such Property to be invested in Government Securities or otherwise, as the Court shall direct, and that he shall be entitled to a Commission of one per cent. upon the amount thereof.

III. And it is hereby further enacted, that it shall be lawful for the Court to make any orders respecting such Property so vested in such Official Trustee or the Interest or Produce thereof, and that all such orders shall be made on petition unless the Court shall direct a Bill to be filed.

IV. And it is hereby provided, that nothing in this Act contained shall prevent the Re-transfer of the said Property to the Original or any subsequently appointed Trustees, or otherwise, as the Court shall direct.

V. And it is hereby further enacted, that where any Infant or Lunatic shall be entitled to any Gift, or Legacy, or Residue, or Share thereof, it shall be lawful for the Executor or Administrator, by whom such Legacy or Residue may be payable or transferrable, or the party by whom such Gift shall be made, or any Trustee thereof to pay or transfer the same to the Official Trustee appointed under this Act, and that the receipt of such Official Trustee shall be a discharge for the same, and that the same shall be subject to the like Provisions as are contained in this Act, as to other Property vested in such Official Trustee under the Provisions thereof.

VI. And it is hereby further enacted, that the Provisions of this Act, except as to the Commission to be allowed under the same, shall extend to any Property of Infants or Lunatics in the hands of the Ecclesiastical Registrar of each of the said Courts as Official Administrator.

Calcutta 1843.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XVIII. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 9th September, 1843.

An Act for the better custody of persons, convicted of Thuggee and Dacoity.

WHEREAS it often happens that the offences of Thuggee and Dacoity are committed by gangs, as well within the Territories subject to the Government of the East India Company, as in those of Native Princes or States in alliance with the said Company. and it may be necessary for the safety of persons and property within the Territories subject to the Government of the East India Company, that persons convicted of the like offences within the Territories of such Princes or States, should be kept in secure custody, which cannot always be done within the last mentioned Territories :

It is hereby enacted, that it shall be lawful for the local Government of any part of the Territories subject to the Government of the East India Company, to authorize the reception and detention in any part of those Territories, for the periods specified in their respective sentences, of persons sentenced to imprisonment or transportation for the offences of Thuggee, Dacoity, or the offences of belonging to any gang of Thugs or Dacoits, within the Territories of any Native

Native Prince or State in alliance with the said Company. Provided always that such sentences shall have been pronounced after trial before a Tribunal, in which a Covenanted Servant of the East India Company, duly authorized in that behalf by such Prince or State, shall be one of the presiding Judges. And it is hereby enacted, that every Servant of the East India Company so authorized as aforesaid shall forward with every Prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment may be carried into effect.

Calcutta, 1843 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XIX. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 28th October, 1843.

An Act for amending the Law respecting the Registration of certain Deeds.

WHEREAS doubts have risen as to the true meaning and construction of Act No. I of 1843:

I. It is hereby enacted, that the said Act is repealed, except in so far as it repeals all provisions contained in any Regulation or Regulations of the Bengal, Madras, or Bombay Codes, touching the knowledge or notice had by parties to registered conveyances and other instruments affecting titles to land and other interests therein, of the existence of unregistered conveyances or other instruments affecting such titles or other interests therein.

II. And it is hereby enacted, that from the First day of May last past, every deed of sale or gift of lands, houses or other real property, a memorial of which has been or shall be duly registered according to law, shall, provided its authenticity be established to the satisfaction of the Court, invalidate any other deed of sale or gift for the same property which may not have

have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed—and that from the said day every deed of mortgage on land, houses and other real property as well as certificates of the discharge of such incumbrances, a memorial of which has been or shall be duly registered according to law, and provided its authenticity be established to the satisfaction of the Court, shall be satisfied in preference to any other mortgage on the same property which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage, any knowledge or notice of any such unregistered deed or certificate alleged to be had by any party to such registered deed or certificate notwithstanding. Provided always that nothing in this Section contained shall be construed to extend to any deed or certificate made before the said First day of May last past.

III. And it is hereby declared and enacted, that no conveyance or other instrument affecting title to land, or any interest in the same whether made before or after the said First day of May last past, other than such deeds or certificates as aforesaid, are or shall be in any respect void for want of registration any Act, Regulation or Law to the contrary notwithstanding.

Calcutta, 1843:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XX. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 30th October, 1843.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. WHEREAS it is expedient that the Governor General should visit the North Western Provinces and other parts of India unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

Calcutta, 1843.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXI. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 11th November, 1843.

An Act for regulating the Emigration of Labourers from India to Mauritius.

I. WHEREAS it has been represented that the demands of the Island of Mauritius for Agricultural labor will by the end of this year be greatly diminished, and it is desirable that effectual measures should be adopted for providing a larger proportion of Female Emigrants to that Island than has been procured under the present system of Emigration, it is therefore enacted, that from and after the 1st day of January next ensuing, Emigration to Mauritius shall only lawfully take place under the provisions of the Act No. 15 of 1842 from the Port of Calcutta.

II. And it is hereby enacted, that it shall be competent to the Governor General in Council to nominate a proper person to act as Protector of Emigrants at Calcutta, and that no Emigrant shall be permitted to embark without a Certificate from the Agent appointed by the Government of Mauritius, countersigned by the Protector, to the effect that such person has been engaged by him as an Emigrant to that Island on the part of the said Government.

Calcutta, 1843:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXII. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 18th November, 1843.

An Act for amending the Law relating to the Jurisdiction of the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs.

WHEREAS by Section XVII. of Regulation III. of 1793 of the Bengal Code, it was amongst other things provided that the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs should not receive or entertain any suit whatever against a person who might be an inhabitant of Calcutta at the time the suit might be instituted, or might become a resident within the limits of the Town after the suit might be commenced:

And whereas inconvenience has arisen in consequence of persons escaping from the jurisdiction of the Dewanny Adawlut of the said Zillah of the Twenty-four Pergunnahs after suits have been commenced therein, and it is expedient to prevent such inconvenience:

It is therefore hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed.

Calcutta, 1843:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXIII. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 18th November, 1843.

An Act for amending the Law relating to the Jurisdiction of the Zillah Courts in the Provinces ceded by the Nawaub Vizier, and in some other places.

WHEREAS by Section XII. of Regulation II. of 1803 of the Bengal Code, it was amongst other things provided that the Zillah Courts in the Provinces ceded by the Nawaub Vizier to the Hon'ble the East India Company, should not entertain any suit whatever against any individual actually resident, or being within the limits of the Town of Calcutta unless such suit should relate to real property situated without the limits of Calcutta or to the public Revenue:

And whereas so much of the said Regulation as is hereinbefore recited has been extended by other Regulations to other Provinces, Zillahs and Pergunnahs:

And

And whereas the provisions of the hereinbefore recited part of the said Regulation are inconvenient:

It is hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed, as well with regard to the Provinces ceded by the Nawaub Vizier to the East India Company, as to the other Provinces, Zillahs and Pergunnahs to which it may have been extended.

Calcutta, 1843:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXIV. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 18th November, 1843.

An Act for the better prevention of the Crime of Dacoity.

WHEREAS it has been considered necessary to adopt more stringent measures for the conviction of professional Dacoits, who belong to certain Tribes, systematically employed in carrying on their lawless pursuits in different parts of the country, and for this purpose to extend the Provisions of Acts XXX. of 1836, XVIII. of 1837, and XVIII. of 1839, for the prevention of Thuggee, to persons concerned in the perpetration of Dacoity.

I. It is hereby enacted, that whosoever shall be proved to have belonged either before or after the passing of this Act to any gang of Dacoits, either within or without the Territories of the East India Company, shall be punished with transportation for life, or with imprisonment for any less term with hard labor.

II. And it is hereby enacted, that any person accused of the offence of Dacoity with or without murder, or of having belonged to a gang of Dacoits, or of

of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Dacoity, may be committed by any Magistrate within the Territories of the East India Company, and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. And it is hereby enacted, that no Court shall, on trial of the offences specified in this Act, require any Futwa from any Law Officer.

Calcutta, 1843.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann

ACT No. XXV. OF 1843.

Passed by the Right Hon'ble the Governor General of India in Council on the 23d November, 1843.

An Act for making the Provisions of 5 *and* 6 *Vic. C.* 47, *Sec. XI. applicable to India.*

WHEREAS doubts have arisen as to whether so much of an Act passed in the 5th and 6th year of the reign of Her Majesty Queen Victoria, entitled "an Act to amend the Laws relating to the Customs," as provides "that from and after the 5th day of January 1843, any Articles of Foreign Manufacture, and any packages of such Articles imported into the United Kingdom or into the British possessions abroad bearing any names, brands or marks purporting to be the names, brands or marks of Manufacturers resident in the United Kingdom, shall be forfeited," is applicable to the Territories subject to the Government of the East India Company:

It is hereby enacted, that from and after the First day of May 1844, any Articles of Foreign Manufacture, and any packages of such Articles imported into the Territories subject to the Government of the said Company bearing any names, brands or marks, purporting to be the names, brands or marks of Manufacturers resident in the United Kingdom, shall be forfeited.

Calcutta, 1843:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

INDEX

TO THE

ACTS FOR 1844.

INDEX

TO THE

ACTS OF THE GOVERNMENT OF INDIA,

FOR 1844.

A.	*Act.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Act IX. George IV.—so much of—as respects the period of the execution of persons convicted of murder, shall cease to have effect in the East India Company's Territories. See Execution.	X.	I.	.....	H. M.'s Courts.
„ XXVII. of 1837—Section I. of—repealed.	XVI.	I.	.....	Bombay.
„ I. of 1838—Section XLIII. of—repealed, ... See Salt.	„	III.	.....	„
„ I. of 1838—so much of Schedule A of—as provides for the levy of a duty of 8 Annas per maund of Salt imported by Sea, and so much of Schedule B as permits such Salt to be exported free,—repealed, ...	„	V.	.....	„
Acts of Government of India as vest the Judges of Circuit, Commissioners of Circuit, Superintendents of Police and the Sudder Nizamut				

Adawlut

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Adawlut with control over Jails, Prisoners and Establishments, and places of banishment and transportation of prisoners, repealed,..	XVIII.	I.	.....	Presidency of Fort William.
See Regulations and Jails.				
Act XIV. of 1839, relating to the emigration of Natives from Calcutta, Madras and Bombay to Jamaica, British Guiana, and Trinidad, repealed,.....	XXI.	I.	.....	General.
See Emigration.				
Administration of the State of Colaba—See Colaba.				
Advances bonâ fide made to Agents intrusted with the possession of Goods or Documents of Title thereto, protected, and contracts made with such Agents to be binding upon Agents by the extension to the Company's Territories of Statute 5 and 6, Vict. Cap. 39,	XX.	I.	.....	H. M.'s Courts.
„ Bonâ fide Deposit of Goods made in exchange to such Agents to be considered as effectual as advances made in money, but in such case no lien shall be acquired beyond the value of the Goods given up, ...	„	II.		
„ The Statute to be construed to protect only transactions				

bonâ

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
bonâ fide without notice that the Agent pledging is acting without authority or malâ fide against the Owner,..... ..	XX.	III.		
Advances. Meaning of the term "Document of Title"—when Agent to be deemed intrusted and when in possession of Goods, and what to be deemed a contract or agreement and advance. Possession prima facie evidence of intrusting, ...	„	IV.		
„ Agent's Civil responsibility for breach of duty or contract not to be diminished, ...	„	V.		
„ Agent making consignments, deposits, transfers or delivery of Goods contrary to instruction of principal, guilty of misdemeanor, as also persons assisting the Agent in such proceedings. The Agent not liable to prosecution if the deposits or transfers do not exceed the sums owing to the Agent by the Principal, ...	„	VI.		
„ Owner may redeem Goods pledged by the Agent, or recover balance of proceeds from persons with whom they may have been pledged.				

In

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
In case of Bankruptcy or Insolvency of the Agent, owner to prove for amount paid to redeem, or for value of Goods if unredeemed, ...	XX.	VII.		
Advances — Interpretation of terms used in this Act, ...	„	VIII.		
„ Not to affect contracts made before the passing of this Act,	„	IX.		
Agents—Bonâ fide advances made to—intrusted with Goods or Documents of Title thereto by owners thereof, protected—See Advances.				
Appeals to the Queen in Council—Expense of preparing copies in English of the proceedings in cases of—from the judgments of the Sudder Dewanny to be borne by the prosecuting parties, ...	II.		.....	General.
Appeals not admissible till deposit within proper time of a sufficient sum for covering expence of making copies, ...	„	II.	.....	General.
„ Summary—may be received by Zillah or City Judges from orders of Principal Sudder Ameens or Sudder Ameens rejecting original suits instituted in their respective Courts.	IX.	IV.	.....	General.
See Principal Sudder Ameens and Sudder Ameens.				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
B.				
Ballootee Taxes—See Town Duties, ...	.....	.....	.....	Bombay.
Benares — withdrawal of the circulation of Trisoolee Pyce from the Province of—See Trisoolee Pyce.				
Bombay — State of Colaba placed under Agent to the Governor of. See Colaba.				
Bombay Marine—See Navy.				
British Guiana—Emigration of Natives of the Company's Territories to—See Emigration,	.....	.....	.....	General.
C.				
Carnatic—Privileges of the Nabob of the—the Nabob Regent, their respective families, dependants and retinue, protected, ... See Nabob.	.....	.....	.....	Madras.
Cesses upon Trades and Professions, ... See Town Duties.	.....	.....	.....	Bombay.
Colaba—State of—Placed under administration of an Agent to be appointed by the Governor of Bombay in Council, and its boundary defined,	XVII,	I.	.....	Bombay.
„ Governor in Council may prescribe rules for the guidance of the Agent and his				

subordinate

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
subordinate Officers and determine the judicial powers of the Agent in Civil and Criminal trials, ...	XVII.	II.	.....	Bombay.
Colaba—Foujdary Udalut to pass final judgment on trials referred by the Agent as in ordinary course,.....	„	III.	.....	„
„ Sudder Udalut to try Appeals from the Agent's decree in the same manner as Appeals from Zillah Courts,.....	„	IV.	.....	„
„ Portions of the lapsed Territory of—not included within the defined boundaries to be subject to the Laws and Regulations by which the portions of the Bombay Territories may be governed, to which such portions of the lapsed Territory may be contiguous, ...	„	V.		
Commissioners of Circuit relieved of their control and superintendence over Jails, Prisoners, &c.—See Jails.				
Copper Coins—See Trisoolee Pyce.				
Copper Coins—the issue of—of different weights regulated,	XXII.	I.	.....	General.
——— Such Pyce shall be legal tender for what value,	„	II.		
„ Those of weights mentioned in Section I. of this Act issued				

since

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts*
since Act XXI. of 1835, shall be legal tender for the value specified in Section II.,	XXII.	III.		
Copper Coins—shall not be legal tender but for fractions of a Rupee, ...	„	IV.		
Corporal punishment substituted for imprisonment in certain cases, ...	III.	I.	.....	Presidency of Fort William.
See Larceny.				
Cotton Manufactures and Silk and Cotton mixed with other material of Foreign produce—Import Duty on—modified,	XV.	.....	.....	General.
See Duty,				
Courts Martial in the Indian Navy—See Navy.				
Criminal Business — Dispatch of—facilitated in the Supreme Court at Calcutta—				
See Supreme Court.				
Customs Duties–Regulations of Madras Code imposing Transit or Inland—under the Madras Presidency, rescinded, ...	VI.	I.	.....	Madras.
„ Regulations of same Code imposing Sea Customs Duties, rescinded, ...	„	II.		
See Regulations.				
„ The foregoing not to prevent the levy of any Municipal Tax, or Toll on Bridges, Roads, Canals, Piers or Causeways, or any fee for Light Houses, ...	„	III.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Customs Duties—to be levied on Goods imported by Sea into the Presidency of Fort St. George, ...	VI.	IV.		
„ to be levied on Goods exported by Sea from ditto, ...	„	V.		
„ to be levied on Goods passing by Land into or out of Foreign European Settlements, adjacent to the Presidency of Fort St. George,	„	VI.		
„ The Governor in Council may declare by notice in the Gazette, the Territory of Native Chiefs, beyond the jurisdiction of the Courts to be Foreign, ...	„	VII.		
„ Chokees may be established for the levy of Duties on Goods passing into or out of Foreign Territory. Powers of Officers of such Chokees defined. Goods not to be allowed to pass without a Certificate of Duty paid in full,	„	VIII.		
„ The Governor in Council may appoint Officers to collect Duties and to grant Certificates of payments. If the Goods do not correspond with the Certificate what course to be adopted, ...	„	IX.		
„ The Appointment of Officers to receive—on the frontier to				

be

	Act.	Section.	Clause.	Territorial Scope of the Acts.
be notified in the Official Gazette. Such Officers shall grant Certificates on receipt of the proper Duty,.....	VI.	X.		
Customs Duties—Certificates not to bear date more than thirty days before the arrival of the Goods. Certificates not used may be renewed, ...	„	XI.		
„ Routes by which Goods may cross the land frontier to be notified in the Official Gazette. Goods brought by other Routes liable to detention or confiscation, ...	„	XII.		
„ Goods crossing frontier clandestinely to be confiscated, ...	„	XIII.		
„ Penalty for Officer permitting Goods to cross the frontier without Certificate or by prohibited Route,.....	„	XIV.		
„ Penalty for a Chokee Officer needlessly injuring Goods or wrongfully detaining them,...	„	XV.		
„ Goods imported by Sea from Foreign European Settlements or Native States declared Foreign, to be liable to Duties leviable on Foreign Bottoms, ...	„	XVI.		
„ No Dutiable Goods entered in either of the Schedules of this Act to be exempted unless under special order of				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Government. Customs Collectors may pass free any baggage in actual use,.....	VI.	XVII.		
Customs Duties—Under what circumstances Goods may be imported duty free from any other Madras Port, ...	„	XVIII.		
„ Credit may be given at any Madras Port for duties paid at any other British Indian Port on Goods imported from thence, ...	„	XIX.		
„ Governor in Council to notify from time to time in the Official Gazette, the valuation of Articles liable to ad valorem Duty, ...	„	XX.		
„ When no value has been fixed or declared on any Goods passed for importation and exportation Duty to be levied according to the Market value, ...	„	XXI.		
„ The market value on ad valorem Goods how and by whom to be declared. Written applications to be made for the passing of Goods. What the application to contain, ...	„	XXII.		
„ Declaration of Market value to be submitted to Appraising Officer who shall countersign it if correct. The Collector may purchase under-				

valued

	Act.	*Section*	*Clause.*	*Territorial Scope of the Acts.*
valued Goods at the price declared, ...	VI.	XXIII.		
Customs Duties—Government to notify in the Official Gazette the Ports for landing and shipping Merchandize; Goods landing at other Ports to be confiscated, ...	„	XXIV.		
„ Manifests of Cargo to be sent in by Masters of Vessels on arrival. The Governor in Council may appoint places beyond which no inward bound Vessel, excepting certain Country Craft, shall pass until the Master has forwarded the Manifest of Cargo, ...	„	XXV.		
„ Penalty for a Master delivering a Manifest not containing a full and true specification of Cargo and for Goods found on board in excess of the Manifest or differing in any respect from the specification in the Manifest, ...	„	XXVI.		
„ Masters of inward bound Vessels remaining outside of the places fixed, shall deliver Manifests to the proper person first coming on board. Penalty for the Master refusing to deliver a Manifest, ...	„	XXVII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Customs Duties—No Vessel to break bulk until the Collector of Customs has received Ship's papers, ...	VI.	XXVIII.		
„ Goods moved from or put on board of any Vessel without due entry previously made in the Custom House, or permission given for discharge of Cargo, to be seized as contraband. Goods attempted to be landed or put on board in contravention of this Act how to be dealt with,.....	„	XXIX.		
„ Penalty on Masters if Cargo do not correspond with their Manifest, or if Goods sent out of the Vessel be not landed at the prescribed places. Provision for the amendment of obvious errors in Manifest of Cargo,.....	„	XXX.		
„ One or more places in every Port to be appointed for the landing and shipment of Goods. Goods landing at or shipping from any other place without special permission to be confiscated, ...	„	XXXI.		
„ The Governor in Council may license Boats for landing or shipping Merchandize after Notification: Goods				

found

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
found on any other Boats except under special permit to be liable to confiscation,...	VI.	XXXII.		
Customs Duties—After Notification the Collector may station Customs Officers on board of any Vessel, ...		XXXIII.		
„ Penalty for the Master of a Vessel refusing to receive and accommodate such Officer, ...	„	XXXIV.		
„ Collectors of Customs may issue warrant to search any Vessel. Powers of an Officer bearing such warrant. Penalty for any Master of a Vessel resisting Officer with warrant for search, ...	„	XXXV.		
„ Penalty for a Master removing or putting on board Goods between sunset and sunrise, or when the Custom House is closed, without leave from Collector, ...	„	XXXVI.		
„ Export Cargo Boats without permits not allowed to lie alongside Vessels on which Customs Officers are stationed—Goods on such Boats not covered by a Pass to be liable to confiscation, ...	„	XXXVII.		
„ In the removal of Goods from on board any Vessel a Boat Note to be sent with each separate dispatch. Goods liable				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
to confiscation if found without a Boat Note, or out of the track between the Vessel and the proper place of landing,	VI.	XXXVIII.		
Customs Duties—Goods brought to be passed through Custom House for importation or exportation if not corresponding with the description in the application liable to confiscation, ...	„	XXXIX.		
„ Goods liable to confiscation if removed with fraudulent intention after landing, and before passing through the Custom House, ...	„	XL.		
„ Collector of Customs may require Goods in bulk to be weighed or measured before landing, and levy duty accordingly, ...	„			
„ Rescinding Clause 2, Section 11, Regulation I. of 1805 of the Madras Code, ...	„	XLII.		
„ Fixing the price to be paid for Salt within the Madras Presidency, ...	„	XLIII.		
„ The Governor General in Council may grant a remission of this price,.....	„	XLIV.		
„ Salt having paid the Home consumption price may be landed free at any other Madras Port under Certificate,	„	XLV.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Customs Duties—Limited period allowed for discharge of Import Cargo of Vessel on which Customs Officer may be stationed, ...	VI.	XLVI.		
„ Period limited for discharging Cargo from any Vessel without a Customs Officer on board. Goods remaining on board after the period allowed to be landed and warehoused by order of Customs Collector, who, with consent of Master of Vessel, may cause packages to be deposited in the Government Warehouses, and may sell Goods if not cleared within the period specified,.....	„	XLVII.		
„ Period limited for putting Export Cargo on board, ...	„	XLVIII.		
„ Penalty for putting Goods on board a Vessel after Customs Officer's removal therefrom, and before one has again been placed thereon, ...	„	XLIX.		
„ A Port Clearance to be granted to the Master of every Vessel on Certificate of all public demands against him having been satisfied,.....	„	L.		
„ Rules for levying Duty on Goods passed through Custom				

House

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
House for shipment after grant of Port Clearance, ...	VI.	LI.		
Customs Duties — Cargo of Vessels putting back from stress of weather or damage, and compelled to reland Cargo, to be taken charge of by Customs Officers, and lodged in such place as the Collector may direct. Such Cargo may be landed as imported Goods, the Export Duty being refunded. Penalty for a Master putting back into Port without Goods on which Drawback has been allowed,.....	„	LII.		
„ On Goods relanded before the lading is complete to be refunded but not after grant of Port Clearance unless the Vessel has put back, ...				
„ Penalty on Coasting and Country Craft for contravening such Rules as Governor in Council may lay down for their regulation,.....	„	LIV.		
„ Specification of Native Craft to be treated like Coasting Craft of the British Territories, ...	„	LV.		
„ No Drawback allowed on Goods shipped on such Native Craft,.....	„	LVI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Customs Duties—Goods re-exported in the same Vessel not subject to Duty, which to be levied on transhipped Goods as if they had been landed and re-exported;	VI.	LVII.		
„ Goods liable to confiscation if transhipped without special licence from Collector, ...	„	LVIII.		
„ Customs Officers to superintend transhipment, ...	„	LIX.		
„ The Collector competent to adjudge confiscations,.....	„	LX.		
„ The Collector may exact payment of fine by refusing grant of Port Clearance, ...	„	LXI.		
„ Empowering Collectors of Customs to decide upon cases of seizure and to adjudge damages; to mitigate penalty of confiscation to the extent of duty, and to distribute part proceeds of sale of confiscated Goods in rewards among seizing Officers, ...	„	LXII.		
„ All Officers of Customs amenable to the Civil Courts, for damages on account of any executive acts. No suits shall lie against Collectors or other Officers for judicial award in matter of Customs, ...	„	LXIII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Customs Duties—Penalty for obstructing Customs Officers in the exercise of their powers, ...	VI.	LXIV.		
„ Penalty for Customs Officer receiving consideration for doing or for bearing to do any official act, ...	„	LXV.		
„ Penalty for a Customs Officer concerned in defrauding the Customs Revenue, ...	„	LXVI.		
„ Penalty for exacting Customs or Duties without authority, as a Customs Officer, ...	„	LXVII.		
„ Governor in Council may transfer the powers of Collector of Customs to any other Officer, and may make rules and appoint Officers to carry this Act into effect, and fix rates for Wharfage and rent, ...	„	LXVIII.		
„ Schedules A. to C.				
Customs Duty on Cotton or Silk Manufactures and Silk and Cotton mixed with any other material.—See Duty,	.....	.....	.....	General.
D.				
Dacoits—Regulation IX. of of 1808 of the Bengal Code relating to Sirdars of Gangs of—repealed, ...	IV.	.....	.....	Presidency of Fort William.

	Act.	*Section.*	*Clauses.*	*Territorial Scope of the Acts.*
Duties—Town—within Bombay Presidency abolished—See Town Duties.				
Duty—rates of—levied under Article 17, Schedule A. in Act XIV. of 1836, Article 18 of Schedule A. in Act I. of 1838, and Article 19 of Schedule A. in Act VI. of 1844, how to be hereafter charged on the Import of all Foreign Manufactures of Silk or Cotton and of Silk and Cotton mixed with any other material, ...	XV.	.....	.....	General.
Duty (Customs) Transit or Inland—abolished within the Madras Presidency—See Customs Duties.				
„ on Imports and Exports by Sea within the Madras Presidency—See Customs Duties.				
„ or Salt manufactured within on imported by Sea into the Bombay Presidency—See Salt.				
E.				
Emigration of Natives—Act XIV. of 1839 repealed, except as it relates to ports other than Calcutta, Madras and Bombay, and to Emigrants				

proceeding

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
proceeding to other places than Jamaica, British Guiana, Trinidad and Mauritius, ...	XXI.	I.	.....	General.
Emigration—Emigrants may be conveyed to Jamaica, British Guiana and Trinidad from the Ports of Calcutta, Madras and Bombay, ...	„	II.		
„ Governments of the several Presidencies may authorize persons nominated by the Governments of Jamaica, British Guiana or Trinidad to act as Emigration Agents, who shall make monthly Reports to the Governments to which they are subordinate,.....	„	III.		
„ Governments of the several Presidencies may nominate persons to act as Protector o Emigrants, ...		IV.		
„ Emigrants shall not be conveyed without a License from Government. What fee to be levied per Emigrant. Masters of Ships carrying Emigrants how to be bound over—Penalty for conveying Emigrants without a License,	„	V.		
„ No Licensed Vessels shall receive on board Emigrants without a pass from the Emigration Agent, ...	„	VI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Emigration—A Certificate from the Agent containing certain particulars necessary before the clearing out of Ships carrying Emigrants,.....	XXI.	VII.		
„ Probable lengths of Voyages of Ships from Calcutta, Madras and Bombay to Jamaica, British Guiana and Trinidad, ...	„	VIII.		
„ Masters of Ships to deliver to the Agent before clearing out a list of the kind indicated and to obtain a duplicate thereof, ...	„	IX.		
„ Penalty for Masters clearing their Ships having Emigrants on board without complying with the particulars before mentioned, ...	„	X.		
„ Penalty for Masters of Ships taking on board after clearance, Emigrants whose names are not entered in the lists aforesaid, ...	„	XI.		
„ Penalty for Masters of Ships cleared for Jamaica, British Guiana or Trinidad, committing acts by which the Certificate obtained by them becomes inapplicable to the altered state of the Ship or Passengers or other matters, ...	„	XII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Emigration—Powers vested by Law in Customs Officers to be exercised by them for the prevention of illegal embarkation of Emigrants and other offences. Pilots vested with the same powers as Preventive Officers of Customs in this behalf, ...	XXI.	XIII.		
„ Attempts by unfair means to export Natives how punishable,.....	„	XIV.		
„ Duties required of the Preventive Officer of Customs and Pilot on board Vessels cleared from Calcutta for Jamaica, British Guiana and Trinidad, in order to prevent embarkation of additional Emigrants. Penalty for Customs Officers and Pilots making improper reports or conniving at the unauthorized conveyance of Emigrants,.....	„	XV.		
„ Forgery of Documents required by this Act how punishable, ...	„	XVI.		
„ Penalties how to be enforced from Masters of Ships, ...	„	XVII.		
Articles of Schedule in Act XXI. of 1844.				
„ 1. Emigration Agents by whom to be appointed.				

	Act.	*Section.*	*Clause.*	*Territorial Sco of the Acts.*
Emigration—2. Agents how to be remunerated.				
„ 3. Agents to see that no Laborers are induced to emigrate by fraud, false or unreasonable expectation, and that they are aware of the distance of their destination.				
„ 4. Number of Passengers how to be proportioned to the Tonnage of Vessels. Particular accommodations requisite in such Vessels.				
„ 5. Number of Passengers how to be computed as regards children.				
„ 6. Ships how to be supplied with Provisions and Water for the consumption of the Passengers.				
„ 7. Provisions and Water to be surveyed by a competent person both as to quality and quantity, as also the quality of the Vessel.				
„ 8. Masters to supply Provisions to Emigrants and their families during the voyage and for a space of 48 hours after the Vessel's arrival at her destination.				
„ 9. Masters of Ships to be supplied with two copies of these Regulations, one of				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
which to be produced to any Passenger requesting it for perusal.				
Emigration—10. The Master to deliver to the Agent a list in duplicate, with certain particulars respecting the Emigrants, the counterpart of which to be made over to the Master, who shall deliver it to the Protector of Emigrants on arrival at the Vessel's destination.				
„ 11. These Regulations not to apply to Ships in the Service of the Lords Commissioners of the Admiralty, or Her Majesty's Ships of War				
Equity—Evidence in cases of—See Evidence.				
Evidence—Incapacity of Witnesses from Crime or interest no bar to give—in any Civil or Criminal actions in Her Majesty's Courts. This Act not to repeal any Provisions in Act XXV. of 1838. Defendants or Co-defendants in any cause in Equity may be examined as a Witness on the behalf of the Plaintiff, ...	VII.	I.	.....	H. M.'s Courts.
„ This Act not to affect any suit, action or proceeding commenced before its passing,	„	II.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Excise Duty on Salts manufactured within the Bombay Presidency—See Salt.				
Execution of persons convicted of Murder in Her Majesty's Courts—Law respecting the period of—Amended,..... See Acts.	X.	I.	.....	H. M.'s Courts.
„ Sentence of death may be pronounced after conviction for murder by any of the Judges of Her Majesty's Courts in the same manner as after convictions for other Capital Offences, ...	„	II.		
Exports by Sea from the Presidency of Fort St. George. —See Customs Duties.				
F.				
Followers of the East India Company's Forces imprisoned under sentence of a Court Martial. The Governor or Governor in Council of any Presidency may order the removal of—from one Prison to another within the Presidency under his Government, to undergo the remainder of his Sentence,... See Native Officers and Soldiers.	VIII.	.....	.....	General.

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
G.				
Gang Robbery—Regulation IX of 1808 of the Bengal Code relating to, repealed, ...	IV.	.....	.....	Presidency of Fort William.
I.				
Import Duty on Foreign Manufactures of Silk and Cotton, or of Cotton and Silk mixed with any other materials, modified, ...	XV.	.....	.....	General.
See Duty.				
Import of Goods by Sea into the Madras Presidency—See Customs Duties.				
Import Duty on Salt within the Bombay Presidency—See Salt.				
Imprisonment for life—Offenders sentenced to—to be also sentenced to transportation beyond Sea for life—See Sudder Courts.				
Indian Navy–better observance of discipline in the—See Navy.				
Inland Customs Duties under the Madras Presidency—abolished, ...	VI.	I.	.....	Madras.
See Regulations.				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
J.				
Jails—Regulations of the Bengal Code or Acts of the Government of India, vesting Judges of Circuit, Commissioners of Circuit, Superintendents of Police and the Sudder Nizamut Adawlut, with control over—Prisoners and Establishments thereof—and the places of banishment or transportation of Prisoners, repealed, ...	XVIII.	I.	.....	Presidency of Fort William.
„ The whole of the said control vested in Magistrates and Joint Magistrates acting under instructions of the Zillah and City Judges, and subject to orders of their respective local Governments, ...	„	II.		
„ Removal of Native Officers, Soldiers and Followers sentenced to imprisonment from one Prison to another—See Native Officers.				
Jamaica—Emigration of Natives of the East Indies to—See Emigration.				
Judges of Circuit—Acts and Regulations vesting — with control over Jails within the Presidency of Fort William				

the

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
the prisoners therein, &c., repealed—See Jails.				
K.				
Kusub Veeras—See Town Duties, ...	.....	.....	.....	Bombay.
L.				
Larceny—(petty)—In cases of — Corporal Punishment substituted for imprisonment,	III.	I.	.....	Presidency of Fort William.
„ Offenders of tender age corporally punishable for thefts in the way of School discipline, ...	„	II.		
„ Females exempted from corporal punishment. No other punishment to be superadded to corporal punishment, ...				
Law of Evidence in Her Majesty's Courts improved—See Evidence.				
Lotteries not authorized by Government declared illegal,	V.	I.	.....	General.
„ Persons how punishable for drawing such, ...	„	II.		
„ Persons how punishable for encouraging, or publishing proposals for or being implicated in such, ...	„	III.		
„ Fines incurred under this Act how disposable, ...	„	IV.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
M.				
Madras—abolition of Transit and Inland Customs, and revision of Import and Export Customs Duties at — See Customs.				
Marines in the Indian Navy —See Navy.				
Mohturfas—See Town Duties.				
Mookauts—upon Trades and Professions within the Bombay Presidency, abolished, ... See Town Duties.	.....	.....	.....	Bombay.
Murder—Execution of persons convicted of—in Her Majesty's Courts in India—See Execution.				
N.				
Nabob of the Carnatic—Family, Household and Retinue of the—protected from liability to Civil and Criminal process. Lists of the persons belonging to the Family, Household and Retinue of the Nabob or Nabob Regent to be published from time to time,.....	I.	I.	.....	Madras.
„ Writ or Process sued forth against the person or property of the—or of the Nabob				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Regent, or of any person named in the list last published shall be null and void, unless the Writ be sued forth with the consent of the Governor in Council,.....	I.	II.	.....	Madras.
Nabob of the Carnatic—Lists to be furnished from time to time to the Governor General in Council, and the Gover in Council shall follow directions he may receive from the former respecting the persons included in such lists and matters subject to this Act,.....	„	III.		
„ This Act not to interfere with any privilege conferred on the—the Nabob Regent, their respective Families, &c. &c. by the Treaty with the Nabob, ...	„			
Native Officers or Soldiers or Followers belonging to the East India Company's Forces imprisoned under sentence of a Court Martial—Governor or Governor in Council of any Presidency may order the removal of any—from one Prison to another within the Presidency of his Government to undergo the remainder of his sentence, ...	VIII.	.....	.....	General.

Navy

	Act.	*Section*	*Clause.*	*Territorial Scope of the Acts.*
Navy—Indian—Discipline of—improved.	XII.	I.	.....	Bombay.
„ Divine Service according to the Liturgy of the Church of England to be performed in all Ships of War of the Company, and the Lord's Day to be observed,.....	„	„	1.	
„ Persons belonging to the—guilty of profane oaths, cursing, execrations, uncleanliness or other scandalous actions, how punishable, ...	„	„	2.	
„ Persons giving or holding intelligence to, or with any Enemy or Rebel without leave from proper authorities, how punishable,.....	„	„	3.	
„ Persons not acquainting their Superior Officers within 12 hours with any letter or message received by them from any Enemy or Rebel, and the Superior Officers not revealing the same to the Officer Commanding in Chief—within convenient time, how punishable,.....	„	„	4.	
„ Spies found within the Company's Territories with any Seducing Letters or Messages from any Enemy or Rebel, or endeavouring to corrupt any person belonging to—how punishable, ...	„	„	5.	

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Navy—Indian—Penalty for persons belonging to—relieving an Enemy or Rebel, with Money, Victuals, Powder, Shots, Ammunition or any other Supplies, ...	XII.	I.	6.	
„ Penalty for persons not delivering entirely and without fraud to the Court of Admiralty, or other Court of Commissioners, Papers, Charter Parties, Bills of Lading, Passports and other Writings seized in any Ship taken as prize, ...	„	„	7.	
„ Penalty for persons taking out of any Ship seized for Prize, any Money, Plate or Goods, except for certain objects, before the same be adjudged lawful prize, ...	„	„	8.	
„ Penalty for persons ill using or robbing Officers, Marines or others in Ships taken as prize, ...	„	„	9.	
„ Penalty for Superior Officers belonging to—not making preparations or encouraging the inferior Officers to fight upon signal or order or upon likelihood of engagement; and for persons yielding or crying for quarter, ...	„	„	10.	
„ Persons not obeying the orders of their Superior Officers,				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
or using endeavours for assailing or making defence against any Fleet or Ship how punishable, ...	XII.	I.	11.	
Navy—Indian — Persons who through cowardice, negligence or disaffection shall not perform their duty in time of action in taking or assisting Ships how punishable, ...	„	„	12.	
„ Penalty for persons not pursuing the chase of any Enemy, Pirate or Rebel, or relieving a known friend in view through cowardice, negligence or disaffection, ...	„	„	13.	
„ Penalty for persons delaying or discouraging others in action upon pretence of arrears of wages or any other pretence, ...		„	14.	
„ Penalty for persons deserting to any Enemy, Pirate or Rebel, or running away with or yielding up Ships, or any Ordnance, Ammunition, Stores or Provisions belonging thereto, ...	„	„	15.	
„ Persons deserting or enticing others to desert how punishable. Penalty for Commanding Officers of Company's Ships of War receiving Deserters from any other Ship				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
of Her Majesty or the Company, and not giving notice thereof to the Captain of the Ship to which such Deserter belongs or to the Government or the Officer Commanding in Chief, ...	XII.	I.	16.	
Navy — Indian — Penalty for Officers and Seamen of Ships appointed for Convoy and Guard of Merchant Ships, not defending the Ships and Goods in their Convoy — or exacting any Money for Convoying of any Ships, or misusing Masters or Mariners thereof, ...	,,	,,	17.	
,, Penalty for Captains or other Officers receiving on board any Goods or Merchandize than for the use of their Ships, except Gold, Silver, or Jewels, or Goods from wrecks, ...	,,	,,	18.	
,, Penalty for persons making any mutinous assembly or uttering any words of sedition or mutiny—also for persons behaving with contempt to their Superior Officers, ...	,,	,,	19.	
,, Penalty for persons concealing any transactions or mutinous practice or design, and any traitorous or mutinous				

words

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
words spoken by any or any design tending to Her Majesty's prejudice,—also for persons not endeavouring to suppress any mutiny or sedition, ...	XII.	I.	20.	
Navy — Indian — Penalty for persons stirring up a disturbance upon a pretence of unwholesome victuals, ...	,,	,,	21.	
,, Penalty for persons striking or lifting up weapons against their Superior Officers in the execution of their office, or quarrelling with or disobeying any command of their Superior Officers, ...	,,	,,	22.	
,, Penalty for persons quarrelling or fighting with others or using provoking language or gestures, ...		,,	23.	
,, Penalty for embezzlement or wasteful expense of Powder, Ammunition or other Stores,		,,	24.	
,, Penalty for persons setting fire to any Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy, or Vessel, &c. &c. not appertaining to any Enemy, Pirate or Rebel, ...	,,	,,	25.	
,, Penalty for Vessels stranded or run upon rocks or sands, or split or hazarded through wilful negligence or other defaults, ...	,,	,,	26.	

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Navy—Indian—Penalty for persons sleeping upon their watch, or negligently performing their duty or forsaking their Station, ...	XII.	I.	27.	
„ Murders committed by persons belonging to—punishable with death,.....	„	„	28.	
„ Penalty for persons committing unnatural crimes with man or beast, ...	„	„	29.	
„ Penalty for committing robbery,.....	„	„	30.	
„ Penalty for persons making or signing a false muster or musterbook, or commanding, counselling, procuring, or aiding or abetting the making or signing thereof, ...	„	„	31.	
„ Penalty for persons refusing to apprehend any Criminal, or to receive or keep any prisoner or suffering him to escape,—Captains, Officers and others shall endeavour to detect, apprehend and bring to punishment all offenders upon pain of being punished by a Court Martial,..	„	„	32.	
„ Penalty for a Superior Officer, Captain or Commander, or Lieutenant, convicted of behaving in certain respects in a manner unbecoming the character of an Officer, ...	„	„	33.	

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Navy — Indian — Persons in actual service and full pay guilty of Mutiny, Desertion or Disobedience to lawful commands in any part of the Company's Territories on shore, how punishable, ...	XII.	I.	34.	
„ Persons in actual service and full pay committing upon shore out of the Company's Territories any of the crimes punishable by these Articles, how to be tried and punished, ...	„	I.	35.	
„ Period of imprisonment of persons convicted of any offence limited to two years,	„	II.		
„ Local jurisdiction of Courts Martial constituted under this Act for punishing or trying offences, defined, ...	„	III.		
„ Courts Martial not to punish or try any Land Officer or Soldier on board any Transport Ship, ...	„	IV.		
„ Governor General and Governors in Council may grant Commissions to Officers Commanding in Chief to call and assemble Courts Martial, and the same how to be constituted, ...	„	V.	.....	General.
„ No Commander in Chief of any Fleet or Squadron con-				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
sisting of more than five Ships shall preside at any Court Martial, but the Officer next in command shall, ...	XII.	VI.		
Navy — Indian — The Senior Officer of three or more Ships in any foreign parts, not under rank of a Commander, may hold and preside over Courts Martial, ...	„	VII.		
„ In case of its being objectionable for the person next in command to the Senior Officer or Commander in Chief of any Fleet or Foreign parts, to hold or preside over Courts Martial, the third Officer in command may supply his place, ...	„	VIII.		
„ Courts Martial to compose of what number of Officers, ...	„			
„ Form of Oath to be taken by Members of Courts Martial and the same by whom to be administered, ...	„	X.		
„ Penalty for persons refusing to give evidence or prevaricate therein or behave with contempt to a Court Martial. Persons committing perjury or subornation of perjury to be prosecuted in Her Majesty's Courts by indictment or information, ...	„	XI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Navy—Indian — Informations or Indictments how to be prosecuted for any such Offence,	XII.	XII.		
„ Sentence of death by any Court Martial not to be executed until receipt of directions from the Governor General in Council upon Report of the Courts proceedings, ...	„	XIII.		
„ Judge Advocate or Deputy may administer oaths to witnesses. In their absence the Court may appoint any person to act,.....	„	XIV.		
„ Act to remain in force with respect to Crews of Ships wrecked or lost, and the Officers to retain their authority till discharged or removed to some other Ships or a Court of Enquiry shall have been held. Pay and Wages of the Officers to be disbursed to them if the result of the enquiry be satisfactory. Persons acting contrary to the discipline of the Indian Navy after the loss of the Ship how punishable, ...	„	XV.		
„ Payment of allowances of Officers and Seamen of Ships taken by the Enemy how to be regulated, ...	„	XVI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Navy—Indian—No person not flying from justice to be tried or punished by a Court Martial without order of the Governor General in Council or Governor in Council, or any Officer who may order a Court Martial, and that within specified time after the commission of the offence for which he is to be tried, ...	XII.	XVII.	.....	General.
„ Act not to interfere with the Queen's Admiralty Power, Jurisdiction or Authority within her Dominion, ...	„	XVIII.		
„ Absence of Members of Courts Martial not to delay its proceedings if sufficient number remain to compose a Court—Penalty for Members absenting themselves from such Courts, ...	„	XIX.		
O.				
Offenders corporally punishable for thefts—See Larceny.				
„ of tender age ditto ditto—See Larceny.				
Officers in the Indian Navy—See Navy.				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
P.				
Petty Larceny—(See Larceny.)				
Principal Sudder Ameen or Sudder Ameen—Suits cognizable by—to be instituted in their respective Courts, ...	IX.	I.	.....	General.
„ Zillah or City Judge may withdraw such suits and try himself, or refer for trial to any other Court under him,	„	II.		
„ Jurisdiction of—may be defined by the Zillah or City Judge,.....	„	III.		
„ Zillah or City Judge may receive Summary Appeal from orders of—rejecting original suits cognizable by them, ...	„	IV.		
„ The same Stamps to be used in any other Court as would have been sufficient in a Sudder Ameen's Court in suits cognizable by him, ...	„	V.		
See Sudder Ameens.				
Prisoners sentenced by the Sudder Courts to imprisonment for life shall at the same time be sentenced to transportation beyond Sea for life, ...	XIV.	.....	.....	General.
See Sudder Courts.				
Prisons—Removal of Native Officers, Soldiers and Followers imprisoned under sentence				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
of a Court Martial from one prison to another—See Native Officers.				
Process—Civil and Criminal—against the person or property of the Nabob of the Carnatic, the Nabob Regent, their respective Families, Dependents and Retinue—the issue of restricted—See Nabob.				
Pyce—(See Copper Coin.)				
Pyce, Trisoolee—(See Trisoolee.)				
R.				
Regulation II. of 1831 of the Bengal Code—Clause 1, Section II. of—modified, ...	II.	.....	.....	Presidency of Fort William.
„ IX. of 1808 of the Bengal Code—repealed, ...	IV.	.....	.....	Ditto.
„ X. of 1803, I. III. and VI. of 1812—III. of 1821 and all Regulations of the Madras Code imposing Inland or Transit Duties, repealed, ...	VI.	I.	.....	Madras.
„ IX. of 1803, excepting Sections 55 to 70; XI. of 1803; XIV. of 1805; XV. of 1808, excepting Section 5; II. of 1812, excepting Sections 15 and 17; IV. of 1812, and such parts of Regulation I. of 1813 of the Madras Code as relate to Duty and Drawback				

on

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
on Spirituous Liquors imported or exported by Sea; also Regulation II. of 1816, II. of 1818, III. of 1818, IV. of 1819 and VII. of 1819, and all Regulations of the Madras Code for fixing Duty on imports or exports by Sea or Drawback payable on the same, repealed,	VI.	II.		
Regulation I of 1805 of the Madras Code—Clause 2, Section XI of—repealed.....	„	XLII.		
Regulations of the Bengal Code, as vest the Judges of Circuit, Commissioners of Circuit, Superintendents of Police and the Sudder Nizamut Adawlut with control over Jails, Prisoners and Establishments and places of banishment or transportation of Prisoners, repealed,..... See Jails and Acts.	XVIII.	I.		
S.				
Salt—Fixing the price to be paid for—manufactured and sold within the Madras Presidency, ...	VI.	XLIII.	.....	Madras.
„ The Governor General in Council may grant a remission of the price of, ...	„	XLIV.		

Salt

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Salt—having paid the Home Consumption price may be landed free at any other Madras Port under Certificate, ...	VI.	XLV.		
„ Manufactured within or imported into the Bombay Presidency—Section 1, of Act 27 of 1837 relating to—repealed from 1st September 1844, ...	XVI.	I.	.....	Bombay.
„ A Duty of One Company's Rupee to be paid on every maund of Salt delivered from any Salt work within the Bombay Presidency, ...	„	II.		
„ Section 43, Act I. of 1838 repealed, ...	„	III.		
„ Covered by Certificate of payment of excise duty on export thereof may be landed at any Port of the Bombay Presidency, and allowed to pass free into the interior, ...	„	IV.		
„ Repealing so much of Schedule A. in Act 1 of 1838 as provides for the levy of a duty of 8 Annas per maund of Salt imported by Sea and so much of Schedule B. in the said Act which permits such Salt to be exported free,	„	V.		
„ imported by Sea and not covered by a pass to pay a duty of One Rupee per maund,				

and

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
and Salt having paid the the excise duty at the same rate may be exported free, ...	XVI.	VI.		
Seamen in the Company's Navy —See Navy.				
Silk Manufactures and Silk and Cotton mixed with other material of Foreign produce —Import Duty on—modified—See Duty.				
Sirdars of Gangs of Dacoits—Regulation IX of 1808 of the Bengal Code relating to —repealed, ...	IV.	.....	.....	Presidency of Fort William.
Soldiers belonging to the East India Company's Forces imprisoned under sentence of a Court Martial—Governor or Governor in Council of any Presidency may order the removal of any—from one prison to another within the Presidency of his Government, to undergo the remainder of his sentence,.....	VIII.	.....	.....	General.
See Native Officers and Followers.				
Statute 5 and 6, Vict. Cap. 39 with alterations extended to the East India Company's Territories — See Advances and Agents.				
Sudder Ameens—Suits cognizable by—to be instituted in their own Courts, ...	IX.	I.	.....	General.

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Sudder Ameens—Zillah or City Judge may withdraw such suits and try himself, or refer for trial to any other Court under him, ...	IX.	II.		
„ Jurisdiction of—may be defined by Zillah or City Judge,	„	III.		
„ Zillah or City Judge may receive Summary Appeals from orders of—rejecting any original suits cognizable by them, ...	„	IV.		
„ The same Stamp to be used in any other Court as would have been sufficient in a Sudder Ameen's Court in suits cognizable by.....	„	V.		
See Principal Sudder Ameens.				
Sudder Courts sentencing any offender to imprisonment for life shall at the same time sentence him to transportation beyond Sea for life, unless the prisoner is not a proper subject of transportation, ...	XIV.	I.	.....	General.
„ A single Judge may sentence offenders to transportation for life who may have been sentenced or recommended by the Commissioner of Circuit or Session Judge to imprisonment for life,.....	„	II.		
Sudder Nizamut Adawlut relieved of their control and				

superintendence

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
superintendence over Jails, Prisoners, &c.—See Jails.				
Suits cognizable by Principal Sudder Ameen or Sudder Ameen—See Principal Sudder and Sudder Ameen.				
Superintendents of Police relieved of their control over Jails and Prisoners — See Jails.				
Supreme Court at Calcutta— any one of the Judges of the —may sit apart from the other Judges for the dispatch of Criminal Business at the same time when the other Judges shall be sitting for the dispatch of business, ...	XI.	I.	.....	Calcutta.
„ may transact out of Term all Business which the Court may have power to transact in Term, ...	„	II.		
T.				
Taxes upon Trades and Professions, ... See Town Duties.	.....	.....	.....	Bombay.
Tender aged offenders, how punishable for thefts—See Larceny.				
Term — Supreme Court at Calcutta may transact all business out of — which it				

may

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
may have power to transact in Term—See Supreme Court.				
Thefts how punishable—See Larceny.				
Town Duties—Kusub Veeras, Mohturfas, Ballootee Taxes and Cesses of every kind on Trades and Professions within the Bombay Presidency—abolished, ...	XIX.	.....	.....	Bombay.
Transit Duties under the Madras Presidency abolished, ...	VI.	I.	.....	Madras.
Transportation beyond Sea for life—Prisoners sentenced by Sudder Courts to imprisonment for life—shall at the same time be sentenced to,...	XIV.	.....	.....	General.
See Sudder Courts.				
Trinidad—Emigration of Natives of East Indies to—See Emigration.				
Trisoolee Pyce shall cease to be a legal tender within the Province of Benares from 1st August 1844, ...	XIII.	I.	.....	North Western Provinces.
„ shall be received until the above date on account of Government and exchanged by tale at Treasuries within the said Province,.....	„	II.		
„ Lieutenant Governor to notify the Treasuries within the said Province where such shall be received and				

exchanged

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
exchanged and to make rules for the prevention of fraud,	XIII.	III.		
Trisoolee Pyce—For every 64 One Company's Rupee may be given in exchange,.....	„	IV.		
W.				
Witnesses—incapacity of—to give evidence in cases before Her Majesty's Courts removed in certain cases—See Evidence.				
Writs against the Nabob of Carnatic, the Nabob Regent, their respective Families, Dependents and Retinue, the issue of—restricted—See Nabob.				

Calcutta, 1845.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann

ACT No. II. OF 1844.

Passed by the Hon'ble the President of the Council of India in Council, on the 17th February, 1844, with the assent of the Right Hon'ble the Governor General of India.

An Act respecting the Expense of preparing Copies of Proceedings in Appeals.

WHEREAS it is just and necessary that the expence of preparing copies in the English Language of the proceedings in Cases appealed to the Queen in Council, as now required by Section 5, Regulation XVI. 1797, and Section 34, Regulation V. 1803, of the Bengal Code, Section 5, Regulation VIII. of 1818, of the Madras Code, and Clause 6, Section C, of Regulation IV. of 1827, of the Bombay Code, should be borne by the parties prosecuting those Appeals:

I. It is hereby enacted, that in all cases of Appeals to the Queen in Council from judgments delivered by the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay, and at Allahabad, the expense of preparing two copies of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents, and of translating into the English Language such of the aforesaid proceedings, as may have been originally drawn out in the country languages, shall be defrayed by the parties prosecuting the Appeal.

II. And it is hereby further enacted, that the Courts of Sudder Dewanny Adawlut are empowered and required to cause the deposit by the Appellant within the time allowed for furnishing Security for Costs of Appeal of such a sum as shall be sufficient to cover the expense of making the two aforesaid copies, and when such deposit shall have been made, and not till then, to declare the Appeal admitted, and to give notice thereof to the Appellant and Respondent respectively.

Calcutta, 1844:—Printed at the Bengal Military Orphan Press, by G H. Huttmann.

B & 20 Penal Code.

ACT No. III. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 2d March, 1844.

An Act for legalizing the infliction of Corporal Punishment in cases of Petty Larceny generally, and when committed by offenders of tender age.

I. WHEREAS it is expedient until adequate improvements in Prison Discipline can be effected, to substitute corporal punishment for imprisonment in the case of certain offences:

It is hereby enacted, in modification of C. 1, S. 2, Regulation II. of 1834, that it shall be competent to a Magistrate, on conviction in cases of thefts of property not exceeding in value the sum of Fifty Rupees, to sentence the person convicted to corporal punishment not exceeding thirty stripes of a ratan.

II. And whereas it is also expedient, that offenders of tender age should be punished rather in the way of School discipline than of ordinary criminal justice:

It is hereby enacted, that it shall be competent to a Magistrate, and he is hereby required, on conviction in cases of theft of property not exceeding in value

value the sum of Fifty Rupees, if the person convicted shall appear to him by inspection or other evidence to be of such tender years as to require punishment rather in the way of School discipline than of ordinary criminal justice, to sentence such person to corporal punishment with a light ratan, not exceeding ten stripes.

III. And it is hereby further provided and enacted, that no female shall be subject to corporal punishment, and that in cases of infliction of corporal punishment, no other punishment shall be superadded, and that the punishment shall be inflicted on all occasions in the presence of the Magistrate.

Calcutta, 1844:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. IV. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 2d March, 1844.

An Act for repealing Regulation IX. of 1808 *of the Bengal Code.*

WHEREAS the Provisions of Regulation IX. of 1808 of the Bengal Code "for the apprehension of persons concerned in the offence of Gang Robbery, and especially the Sirdars or Leaders of Gangs of Dacoits," have, by reason of their extreme severity, become nearly obsolete:

It is hereby enacted, that the said Regulation be repealed.

Calcutta, 1844:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. V. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 2d March, 1844.

An Act for the suppression of all Lotteries not authorized by Government.

WHEREAS great mischief has been found to result from the existence of Lotteries:—

I. It is hereby enacted, that in the Territories subject to the Government of the East India Company, all Lotteries not authorized by Government, shall from and after the 31st day of March 1844, be deemed, and are hereby declared common and public nuisances and against Law.

II. And it is hereby enacted, that from and after the day aforesaid, no person shall, in the said Territories, publicly or privately, keep any office or place for the purpose of drawing any Lottery not authorized by Government, or shall have any such Lottery drawn, or shall knowingly suffer any such Lottery to be drawn in his or her house; and any person so offending shall for every such offence, upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 5000 Rupees.

III. And

III. And it is hereby enacted, that from and after the day aforesaid no person shall under any pretence, device or description whatsoever agree to pay any sum, or to deliver any goods, or to do or forbear doing any thing for the benefit of any person, whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket, lot, number, or figure in any such Lottery, or shall publish any proposal for any of the purposes aforesaid, and any person offending in any of the matters mentioned in this Section shall for every such offence upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 1000 Rupees.

IV. And it is hereby enacted, that every fine which shall be incurred under the provisions of this Act shall be applied one half to the use of Government and the other half to the use of the Informer or Informers.

Calcutta, 1844 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. VII. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 6th April 1844.

An Act for improving the Law of Evidence.

I. WHEREAS the enquiry after truth in Her Majesty's Courts of Justice is often obstructed by incapacities created by the present Law, and it is desirable that full information as to the facts in issue, both in Criminal and in Civil Cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony:

It is hereby enacted, that within the local jurisdiction of Her Majesty's Courts, no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the Court on the trial of any issue joined, or of any matter or question, or on any enquiry arising in any suit, action or proceeding, Civil or Criminal, in any of Her Majesty's Courts, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer or person having by Law or by consent of parties, authority within the jurisdiction of Her Majesty's Courts to hear, receive and examine evidence, but that every person

so offered may and shall be admitted to give evidence on oath or solemn affirmation, in those cases wherein affirmation is by Law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question or enquiry, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence: Provided, that this Act shall not render competent any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the Landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such persons respectively: Provided also, that this Act shall not repeal any provision in the Act of the Government of India XXV. of 1838. Provided, that in any of Her Majesty's Courts sitting in Equity, any defendant to any cause pending in any such Court so sitting, may be examined as a witness on the behalf of the plaintiff, or of any co-defendant in any such cause, saving just exceptions; and that any interest which such defendant so to be examined may have in the matter or any of the matters in question in the cause, shall not be held a just exception to the testimony of such defendant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness.

II. And it is hereby enacted, that nothing in this Act shall apply to, or affect any suit, action, or proceeding, brought or commenced before the passing of this Act.

Calcutta 1844:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. VIII. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 9th April, 1844.

An Act to authorize the Governments of Fort William in Bengal, Fort St. George and Bombay, to remove Native Officers, Soldiers and Followers imprisoned under Sentence of a Court Martial from one Prison to another.

IT is hereby enacted, that whenever any Native Officer or Soldier, or Follower, belonging to the Forces of the East India Company, shall be a prisoner in any public prison or other place within the Territories subject to the Government of the said Company under sentence of any Court Martial, it shall be lawful for the Governor or Governor in Council (as the case may be) of the Presidency, in which such public prison or other place may be situated to give an order in writing to the Gaoler thereof, or other person in charge thereof, commanding him to deliver up such prisoner to the person producing such order, and such Gaoler or other person shall deliver up such prisoner at any period of his imprisonment to the person producing such order either for his discharge or in order that he may be removed in Military custody to undergo the remainder of his sentence, to such other public prison

or

or such other place as such Governor or Governor in Council (as the case may be) may direct, provided that such other public prison or other place shall be within the Presidency subject to the Government of the Governor or Governor in Council (as the case may be) who shall have given such order, and provided that the time of imprisonment on removal from one prison to another, or while the prisoner is in custody for any intermediate period shall be reckoned as part of the original period of imprisonment for which such prisoner shall have been sentenced.

Calcutta, 1844.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. IX. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 13th April, 1844.

An Act for authorizing the institution of Suits in the Courts of Principal Sudder Ameens and Sudder Ameens.

I. IT is hereby enacted, that within the Territories subject to the Presidencies of Fort William in Bengal, Fort St. George and Bombay, all Suits within the competency of a Principal Sudder Ameen or Sudder Ameen to decide, shall ordinarily be instituted in the Courts of those Officers respectively.

II. Provided nevertheless, and it is hereby enacted, that it shall be competent to a Zillah or City Judge to withdraw such Suits from the Court in which they may have been instituted, and to try them himself, or to refer them for trial to any other Court subordinate to his authority, and competent in respect to the value of the Suit whenever he may see sufficient reason for so doing.

III. And it is hereby enacted, that whenever there shall be more than one Principal Sudder Ameen, or more than one Sudder Ameen attached to the

the Court of any Zillah or City Judge, and not having any special local jurisdiction, it shall be the duty of such Judge to appoint from time to time the several Moonsiffs' divisions which shall constitute the special local jurisdiction of each of such Principal Sudder Ameens and Sudder Ameens, and that each of such Principal Sudder Ameens and Sudder Ameens shall be empowered to take cognizance of all such Suits as are mentioned in Section I. of this Act, provided the landed or other real property to which the Suit may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the Suit may be commenced shall reside as a fixed inhabitant within the limits of such local jurisdiction as aforesaid.

IV. And it is hereby enacted, that it shall be competent to the Zillah or City Judge to receive a Summary Appeal from the orders of any Principal Sudder Ameen or Sudder Ameen, rejecting any Original Suit cognizable by him, and that all Rules applicable to Summary Appeals from orders dismissing Original Suits on the ground of any default shall be applicable to the Summary Appeals given by this Act.

V. [illegible] in all Suits which in respect to value are co[illegible] he same Stamps shall be sufficient in any other Court as would have been [illegible]ficient in the Court of a Sudder Ameen.

Calcutta, 1844:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XIV. OF 1844.

Passed by the Governor General of India in Council on the 6th July, 1844.

An Act for regulating the Proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay and at Agra, in regard to Sentences of transportation for life.

I. IT is hereby enacted, that within the Territories subject to the Government of the East India Company, whenever any of the Sudder Courts shall sentence any offender to imprisonment for life, it shall at the same time sentence such offender to transportation beyond Sea for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation which special reasons the Court is hereby directed to record.

II. And it is hereby enacted, that within the said Territories whenever any offender shall have been sentenced in the first instance by a Commissioner of Circuit or Sessions Judge to imprisonment for life, or whenever a Commissioner of Circuit or Sessions Judge shall have recommended that sentence of imprisonment for life be passed upon any offender, it shall be competent

competent to a single Judge of the Sudder Court to sentence such offender, at the same time to transportation beyond Sea for life, and such single Judge is hereby directed to sentence such offender at the same time to transportation beyond Sea for life unless there should be special reasons inducing him to think such offender not a proper subject for transportation which special reasons he is hereby further directed to record.

Calcutta, 1844:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XV. OF 1844.

Passed by the Governor General of India in Council on the 6th July 1844.

An Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, *to Act I. of* 1838, *and to Act VI. of* 1844.

WHEREAS by Article 17 of Schedule A annexed to Act No. XIV. of 1836, by Article 18 of Schedule A annexed to Act No. I. of 1838, and by Article XIX. of Schedule A annexed to Act No. VI. of 1844, certain rates of Duty are to be charged on the importation into the Ports of Bengal and Orissa, and the Ports subject to the Presidencies of Bombay and Madras, of Cotton and Silk Piece Goods, the produce of any place other than the United Kingdom or any British Possession. And whereas it is expedient that the same rates of Duties should be charged on other Foreign Goods of a like description—

It is hereby enacted, that from and after the First day of January 1845, the rates of Duty prescribed for the said Articles by the said Schedules, shall be charged on the importation into the Ports of Bengal and Orissa, and the Ports subject to the Presidencies of Madras and Bombay, of all manufactures of Silk or Cotton, and of Silk and Cotton mixed with any other material, which are the produce of any place other than the United Kingdom or any British Possession; and of all foreign made up Articles of the said manufactures; or of which any part of the materials is of the said manufactures.

Calcutta, 1844.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XVIII. OF 1844.

Passed by the Governor General of India in Council on the 7th September, 1844.

An Act for the better control and management of Jails within the Bengal Presidency.

I. IT is hereby enacted, that so much of the provisions of any Regulation of the Bengal Code, or of any Act of the Government of India, as vests the Judges of Circuit, the Commissioners of Circuit, the Superintendents of Police and the Sudder Nizamut Adawlut, with control and superintendence over the several Jails of the Presidency of Fort William in Bengal, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, is repealed.

II. And it is hereby enacted, that the whole of the said control and superintendence shall be vested in the Magistrates and Joint Magistrates, acting under the instructions of the Zillah and City Judges, and that the Magistrates, Joint Magistrates and Zillah and City Judges, shall be guided in regard to all matters relating to the Jails under their charge, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, by such orders as they may receive from their respective Local Governments.

Calcutta, 1844.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XX. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 26th October, 1844.

An Act to amend the Law relating to Advances bona fide made to Agents intrusted with Goods by extending to the Territories of the East India Company in cases governed by English Law, the Provisions of the Statute 5 and 6 Victoria C. 39, as altered by this Act.

WHEREAS by Act XIII. of 1810 the Provisions of the Statute 4, Geo. IV. C. 83, as altered and amended by the Statute 6, Geo. IV. C. 94, were extended to the Territories of the East India Company, in cases governed by English Law; and whereas by the Statute 5 and 6, Victoria C. 39, the said Statute 6, Geo. IV. C. 94, is altered and amended, and the Provisions thereof are extended:

It is hereby enacted, that the Statute 5 and 6, Victoria C. 39, as altered by this Act, shall from and after the passing of this Act, be extended to the Territories of the East India Company;

pany; provided always, that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the last mentioned Statute, if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statute hereby extended to the Territories of the East India Company and as altered by this Act, is as follows :

5 AND 6 VICT. CAP. XXXIX. as altered by this Act.

An Act to amend the Law relating to Advances bona fide made to Agents intrusted with Goods.

6 G. 4, C. 94. Whereas by an Act passed in the 6th year of the Reign of His late Majesty King George the Fourth, intituled an Act to alter and amend an Act for the better protection of the pro- [illegible] hers who may hereafter enter into co[illegible]n relation to Goods, Wares and Merch[illegible]o Factors or Agents, validity is given, under certain circumstances, to contracts or agreements made with persons intrusted with, and in possession of the Documents of Title to Goods and Merchandize, and Consignees, making Advances to persons abroad who are intrusted with any Goods and Merchandize, are entitled, under certain circumstances, to a lien thereon, but under the said Act, and the present state of the Law, Advances cannot safely be made upon Goods or Documents to persons known to have possession thereof as

Agents

Agents only: And whereas by the said Act it is amongst other things further enacted, "that it shall be lawful to and for any person to contract with any Agent intrusted with any Goods, or to whom the same may be consigned for the purchase of any such Goods, and to receive the same of and to pay for the same to such Agent, and such contract and payment shall be binding upon and good against the Owner of such Goods, notwithstanding such person shall have notice that the person making such contract, or on whose behalf such contract is made, is an Agent; provided such contract or payment be made in the usual and ordinary course of business, and that such person shall not when such contract is entered into or payment made, have notice that such Agent is not authorized to sell the same, or to receive the said Purchase Money;" And whereas Advances on the Security of Goods and Merchandize have become an usual and ordinary course of business, and it is expedient and necessary that reasonable and safe facilities should be afforded thereto, and that the same protection and validity should be extended to bona fide Advances on the Goods and Merchandize as by the said recited Act is given to Sales, and that Owners intrusting Agents with the possession of Goods and Merchandize, or of Documents of Title thereto, should in all cases where such Owners by the said recited Act or otherwise would be bound by a contract or agreement of Sale be in like manner bound by any contract or agreement of pledge or lien for any Advances bonâ fide made on the Security thereof. And whereas much litigation has arisen on the construction of the said recited Act, and the same does not extend to protect

Exchanges

Exchanges of Securities bona fide made, and so much uncertainty exists in respect thereof, that it is expedient to alter and amend the same and to extend the Provisions thereof and to put the Law on a clear and certain basis. Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act any Agent who shall thereafter be intrusted with the possession of Goods, or of the Documents of Title to Goods shall be deemed and taken to be Owner of such Goods and Documents so far as to give validity to any contract or agreement by way of pledge, lien, or security bona fide made by any person with such Agent so intrusted as aforesaid as well for any original Loan, Advance or Payment made upon the Security of such Goods or Documents, as also for any further or continuing Advance in respect thereof, and such contract or agreement shall be binding upon and good against the Owner of such Goods, and all other persons interested therein notwithstanding the person claiming such pledge or lien may have had notice that the person with whom such contract or agreement is made is only an Agent.

Bona fide Advances to Persons intrusted with the possession of Goods or Documents of Title though known to be Agents, protected.

II. And be it enacted, that where any such contract or agreement for pledge, lien or security shall be made in consideration of the delivery or transfer to such Agent of any other Goods or Merchandize, or Document of Title or Negotiable Security upon which the person so delivering up the same had

Bona fide Deposits in exchange protected;

at

at the time a valid and available Lien and Security for or in respect of a previous Advance by virtue of some contract or agreement made with such Agent, such contract and agreement, if bona fide on the part of the person with whom the same may be made, shall be deemed to be a contract made in consideration of an Advance within the true intent and meaning of this Act, and shall be as valid and effectual to all intents and purposes, and to the same extent, as if the consideration for the same had been a bona fide present Advance of money. Provided always that the Lien acquired under such last mentioned contract or agreement upon the Goods or Documents deposited in exchange shall not exceed the value at the time of the Goods and Merchandize which, or the Documents of Title to which, or the Negotiable Security which shall be delivered up and exchanged.

but no Lien beyond the value of the Goods given up.

III. Provided always, and be it enacted, that this Act and every matter and thing herein contained, shall be deemed and construed to give validity to such contracts and agreements only, and to protect only such Loans, Advances, and Exchanges, as shall be made bonâ fide and without notice that the Agent making such contracts or agreements as aforesaid has not authority to make the same, or is acting malâ fide in respect thereof against the Owner of such Goods and Merchandize; and nothing herein contained shall be construed to extend to or protect any Lien or Pledge for or in respect of any antecedent debt, owing from any Agent to any person with or to whom such Lien or Pledge shall be given, nor to authorize any Agent intrusted as aforesaid in deviating from any express orders or authority

But the Statute to be construed to protect only Transactions bonâ fide without notice that the Agent pledging is acting without authority or malâ fide against the Owner.

authority received from the Owner; but that, for the purpose and to the intent of protecting all such bonâ fide Loans, Advances and Exchanges as aforesaid (though made with notice of such Agent not being the Owner but without any notice of the Agents acting without authority) and to no further, or other intent or purpose, such contract or agreement as aforesaid shall be binding on the Owner and all other persons interested in such Goods.

Meaning of the term "Document of Title."

IV. And be it enacted, that any Bill of Lading, India Warrant, Dock Warrant, Warehouse-keeper's Certificate, Warrant, or order for the delivery of Goods, or any other Document used in the ordinary course of business as proof of the possession or control of Goods, or authorising or purporting to authorize, either by indorsement or by delivery, the Possessor of such Document to transfer or receive Goods thereby represented shall be deemed and taken to be a document of Title within the meaning of this Act; and any Agent intrusted as aforesaid and possessed of any such Document of Title, whether derived immediately from the Owner of such Goods, or obtained by reason of such Agents having been intrusted with the possession of the Goods, or of any other Document of Title thereto, shall be deemed and taken to have been intrusted with the possession of the Goods represented by such Document of Title as aforesaid, and all contracts, pledging or giving a lien upon such Document of Title as aforesaid shall be deemed and taken to be respectively Pledges of and Liens upon the Goods to which the same relates, and such Agent shall be deemed to be possessed of such Goods or Documents, whether the same

And when Agent intrusted.

And when in possession.

shall

shall be in his actual custody, or shall be held by any other person subject to his control, or for him or on his behalf, and where any Loan or Advance shall be bona fide made to any Agent intrusted with and in possession of any such Goods or Documents of Title as aforesaid on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such Goods or Documents of Title as aforesaid, and such Goods or Documents of Title shall actually be received by the person making such Loan or Advance, without notice that such Agent was not authorized to make such Pledge or Security every such Loan or Advance shall be deemed and taken to be a Loan or Advance on the Security of such Goods or Documents of Title within the meaning of this Act, though such Goods or Documents of Title shall not actually be received by the person making such Loan or Advance till the period subsequent thereto, and any contract or agreement, whether made direct with such Agent as aforesaid, or with any Clerk or other person on his behalf, shall be deemed a contract or agreement with such Agent; and any payment made, whether by Money or Bills of Exchange, or other Negotiable Security shall be deemed and taken to be an Advance within the meaning of this Act; and an Agent in possession as aforesaid of such Goods or Documents shall be taken for the purposes of this Act, to have been intrusted therewith by the Owner thereof unless the contrary can be shewn in evidence.

What to be deemed a "Contract or Agreement" and "Advance."

Possession prima facie Evidence of intrusting.

V. Provided always, and be it enacted, that nothing herein contained shall lessen, vary, alter or affect the Civil responsibility of an Agent for any breach of duty or contract,

Agent's Civil responsibility not to be diminished.

or

or non-fulfilment of his orders or authority in respect of any such Contract, Agreement, Lien, or Pledge as aforesaid.

Agent making Consignments contrary to instruction of principal guilty of misdemeanor.

VI. Provided always, and be it enacted, that if any Agent intrusted as aforesaid shall, contrary to or without the authority of his principal in that behalf, for his own benefit and in violation of good faith, make any consignment, deposit, transfer, or delivery of any Goods or Documents of Title so intrusted to him as aforesaid, as and by way of a Pledge, Lien, or Security; or shall, contrary to or without such authority, for his own benefit and in violation of good faith, accept any Advance on the faith of any contract or agreement to consign, deposit, transfer, or deliver such Goods or Documents of Title as aforesaid; every such Agent shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be sentenced to transportation for any term not exceeding fourteen years, nor less than seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and every Clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery, or in accepting or procuring such Advance as aforesaid, shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court shall award, as herein before last mentioned: Provided nevertheless, that no such Agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such Goods or Documents of Title, in case the same shall not be made a security for or subject to the payment of any greater sum of money

than

than the amount which at the time of such consignment, deposit, transfer or delivery was justly due and owing to such Agent from his principal, together with the amount of any Bills of Exchange drawn by or on account of such principal, and accepted by such Agent. Provided also, that the conviction of any such Agent so convicted as aforesaid shall not be received in evidence in any action at Law or Suit in Equity against him, and no Agent intrusted as aforesaid shall be liable to be convicted by any evidence whatsoever in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence have disclosed such act, on oath, in consequence of any compulsory process of any Court of Law or Equity in any action, suit, or proceeding which shall have been bona fide instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any Commissioner of Bankrupt or of any Insolvent Court.

Right of Owner to redeem;

VII. Provided also, and be it enacted, that nothing herein contained shall prevent such Owner as aforesaid, from having the right to redeem such Goods or Documents of Title, pledged as aforesaid, at any time before such Goods shall have been sold, upon re-payment of the amount of the lien thereon, or restoration of the securities in respect of which such lien may exist, and upon payment or satisfaction to such Agent, if by him required, of any sum of money for or in respect of which such Agent would by law be entitled to retain the same Goods or Documents, or any of them, by way of lien as against such Owner, or to prevent the said Owner from recovering

Or to recover balance of proceeds.

covering of and from such person with whom any such Goods or Documents may have been pledged, or who shall have any such lien thereon as aforesaid, any balance or sum of money remaining in his hands as the produce of the sale of such Goods after deducting the amount of the lien of such person under such contract or agreement as aforesaid: Provided always that in case of the Bankruptcy or Insolvency of any such Agent, the Owner of the Goods which shall have been so redeemed by such Owner as aforesaid, shall in respect of the sum paid by him on account of such Agent for such redemption, be held to have paid such sum for the use of such Agent before his Bankruptcy or Insolvency, or in case the Goods shall not be so redeemed, the Owner shall be deemed a creditor of such Agent for the value of the Goods so pledged at the time of the pledge, and shall, if he shall think fit, be entitled in either of such cases to prove for or set off the sum so paid, or the value of such Goods, as the case may be.

In case of Bankruptcy Owner to prove for amount paid to redeem, or for value of Goods, if unredeemed.

VIII. And be it enacted, that in construing this Act the word "Person" shall be taken to designate a Body Corporate or Company as well as an Individual, and that words in the singular number shall, when necessary to give effect to the intention of the said Act, import also the plural, and vice versâ; and words used in the masculine gender shall, when required, be taken to apply to a female as well as a male.

Interpretation of Act.

IX. Provided

IX. Provided also, and be it enacted, that nothing herein contained shall be construed to give validity to or in any wise to affect any contract, agreement, lien, pledge, or other act, matter, or thing made or done before the passing of this Act.

Not to affect any Contract made before the passing of this Act.

Calcutta, 1844.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXI. OF 1844.

Passed by the Right Hon'ble the Governor General of India in Council on the 16th November, 1844.

An Act for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to Jamaica, British Guiana and Trinidad.

I. IT is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby so far as the same are applicable to the Emigration of Natives from the Ports of Calcutta, Madras and Bombay respectively, to Jamaica, British Guiana, and Trinidad, respectively, are repealed. Provided always that the aforesaid Act No. XIV. of 1839 shall remain in full force in all the Ports of India, except the Ports aforesaid, and in regard to Emigrants from India proceeding to other places than Jamaica, British Guiana, Trinidad and Mauritius.

II. And it is hereby enacted, that after the passing of this Act, Emigrant Laborers, being Native inhabitants of the Territories under the Government of the East India Company, shall be allowed to pass and to be conveyed to Jamaica, British Guiana, and Trinidad respectively, from the Ports of Calcutta, Madras and Bombay respectively, but not otherwise.

III. And

III. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated, to authorize such persons as may be nominated by the Governments of Jamaica, British Guiana or Trinidad, to act as Emigration Agents at the aforesaid Ports respectively, and to exercise the powers conferred on Emigration Agents by this Act, and every such Emigration Agent shall make Monthly Reports to the Government to which he is subordinate of all matters transacted by him in pursuance of this Act.

IV. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated to nominate a proper person to act as Protector of Emigrants at the aforesaid Ports respectively.

V. And it is hereby enacted, that it shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purpose of laboring for hire in any of the Colonies of Jamaica, British Guiana or Trinidad from any of the Ports aforesaid in any Ship or Vessel unless a licence be obtained [illegible] Ship or Vessel from the Government of [illegible] situated. A fee not exceeding One Ru[illegible]gulated from time to time by the local Government, shall be demandable in respect of every such licence, which fee shall be carried to the credit of the said Government, and the granting or withholding any such licence shall be entirely discretionary with the Government, and in consideration of such licence the Master of every Ship conveying or destined to convey Emigrants from India shall execute a Bond binding himself and his Owners in a penal sum of 10,000 Rupees to conform to the several conditions herein provided, and the said Bond shall be executed in duplicate that it may be put in suit either at the place of execution

execution or in the Colony to which the Emigrants are to be conveyed, and one copy shall be forwarded to the Government of such Colony to be dealt with as the case may require. And every Ship or Vessel in which any such Emigrant shall be conveyed without a licence being obtained as aforesaid shall be liable to be forfeited, and the Master thereof shall be liable as for a misdemeanor in a fine of 1,000 Rupees for every such Emigrant so illegally conveyed.

VI. And it is hereby enacted, that it shall not be lawful for the Master of any Vessel licensed as above to receive on board any Emigrant laborer, as above provided, unless such laborer shall have in his possession and show a Certificate or Pass to be given to him by the Emigration Agent of the Port, countersigned by the Protector, stating his name and the name of his father and his age, and certifying that having appeared before such Agent he has declared his willingness to proceed to work for hire in the Colony to which such Vessel is bound and has been engaged by him as an Emigrant to such Colony on the part of the Government thereof.

VII. And it is hereby enacted, that before any Ship or Vessel so licensed to carry Emigrant laborers as above provided, shall be cleared out from any of the aforesaid Ports for any one of the three Colonies aforesaid, it shall be necessary for the Master of such Ship or Vessel, provided any Emigrant of the description aforesaid, shall embark therein to obtain from the Emigration Agent so nominated and authorized at such Port as aforesaid, a certificate under the hand of such Agent to the effect following, that is to say—

1st. That such Agent has by personal communication done what is required on the part of such Agent by the 3d Article of the Schedule hereunto

unto annexed, provided always that every such Agent shall make the inquiries specified in such Schedule in an open Court or public office to which all persons shall have admission.

2dly. That all the directions contained in the 4th, 5th, 6th and 7th Articles of the said Schedule for ensuring the health and safety of Passengers have been duly complied with.

3dly. That (in addition to the directions contained in the said Schedule) such rules have been complied with as the Governor General in Council shall from time to time frame touching the medical attendance and medical stores and the proper clothing to be provided, the species of provisions suited to native habits, the number of women that should accompany the Emigrants, or other matters.

VIII. And it is hereby enacted, that the probable lengths of the voyages to Jamaica, British Guiana and Trinidad from the Ports aforesaid respectively shall for the purposes of this Act be deemed to be

Fo ceks;
For weeks;
For the Port of Bombay nineteen weeks;

and that no Ship or Vessel carrying Emigrant laborers to Jamaica, British Guiana or Trinidad shall sail from Calcutta, Madras or Bombay, at any other time than between the 30th day of any September and the 1st of March next thereafter ensuing.

IX. And it is hereby enacted, that before any Ship or Vessel shall be

be cleared out from any of the aforesaid Ports for Jamaica, British Guiana or Trinidad, it shall be necessary for the Master thereof to deliver to the Emigration Agent, so nominated and authorized at such Port as aforesaid the list specified in Article 10 of the said Schedule, and to obtain such duplicate thereof as is required by the said Article.

X. And it is hereby enacted, that if the Master of any Ship or Vessel shall at any of the Ports aforesaid take on board such Ship or Vessel any Emigrant laborer of the description aforesaid, and shall clear such Ship or Vessel for Jamaica, British Guiana or Trinidad without having fully complied with every particular hereinbefore required previous to clearance he shall be liable on conviction before any Magistrate or Justice of the Peace in a penalty of 200 Rupees for every Emigrant laborer so taken on board his Ship or Vessel.

XI. And it is hereby enacted, that if the Master of any Ship or Vessel shall after having cleared such Ship or Vessel at any such Port as aforesaid for Jamaica, British Guiana or Trinidad take on board any such Emigrant laborer as aforesaid without having entered such Emigrant laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such Emigrant prior to clearance, he shall be liable on conviction before any Magistrate or Justice of the Peace in a penalty not exceeding 500 Rupees for every Emigrant so taken on board his Ship or Vessel.

XII. And it is hereby enacted, that if any Master of any Ship or Vessel cleared for Jamaica, British Guiana or Trinidad as aforesaid shall, after having obtained such Certificate as aforesaid fraudulently do or suffer to be done any act or thing whereby such Certificate shall become inapplicable

to

to the altered state of the Ship or Vessel, its Passengers or other matters to which such Certificate relates, such Master shall be liable on conviction in any Penalty not exceeding 5000 Rupees, beside incurring a forfeiture of any Bond executed in consideration of any licence obtained for the Vessel as originally described.

XIII. And it is hereby enacted, for the greater security against Emigrant laborers being embarked for Jamaica, British Guiana or Trinidad, contrary to the provisions of this Act that all the powers vested by law in the Officers of Customs in regard to the searching and detention of Ships or Vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board Ships or Vessels bound for Jamaica, British Guiana or Trinidad, and of other offences against this Act; and it is further enacted, that all Pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

XIV. And it is hereby enacted, that every person who shall attempt by means of intoxication or by false imprisonment, or other means of crimping to export any Native on board any Ship or Vessel contrary to the provisions of this Act shall be liable to be punished on conviction before a Magistrate in a fine not exceeding 500 Rupees, or imprisonment not exceeding six months, provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment, but the offender shall only be liable to one of these courses of proceeding.

XV. And it is hereby enacted, that whenever a Vessel shall clear from Calcutta for Jamaica, British Guiana or Trinidad with Emigrant laborers

rers duly embarked thereon, the Customs Officer on board such Vessel shall countersign the Pass or Certificate brought on board such Vessel, by every such Emigrant laborer, and shall keep a Register of every such Emigrant laborer as may come on board. And such Customs Officer shall remain on board such Vessel until she shall arrive in Saugor Roads and shall not come away until a muster of the Crew and Passengers and Emigrant laborers has been made in his presence and in that of the Pilot in charge of the Vessel; and after the Customs Officer has taken muster and quitted the Vessel the Pilot shall continue to exercise the duties indicated in Section XIII. of this Act, and it shall be lawful for him if he shall deem it necessary to require the Master or Commander to take a general muster of the Crew and Passengers and Emigrant laborers on board and to sign a muster roll so taken, and every such Custom House Officer and Pilot shall make a complete report of the Emigrant laborers on board of any Ship at the time of his quitting the same, and such report shall contain a declaration that to the best of the Declarant's belief, no additional Emigrant laborers have been received on board since obtaining the Certificate, and that nothing else has been done or omitted to be done in the Ship or Vessel contrary to the provisions of this Act, and every such report or muster, if any, shall be transmitted without delay to the Emigration Agent of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous or incomplete Report of the Emigrant laborers on board of any Ship, or who shall connive at the unauthorized embarkation of any such Emigrant laborers, shall be liable, besides dismissal, to a fine of 500 Rupees, commutable, if not paid, to imprisonment in the Calcutta Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

XVI. And

XVI. And it is hereby enacted, that if any person shall forge or shall use, knowing it to be forged, any document required by this Act such person shall be liable to be imprisoned for any period not exceeding seven years.

XVII. And it is hereby enacted, that all the several penalties to which the Masters of Ships or Vessels are liable by this Act, shall be enforced by information laid before any Justice of the Peace at the instance of the Emigration Agent or of any Officer appointed for the purpose by the Government of the Place or Presidency, or may be enforced by putting in suit the Bond given by the Master, if such Bond has been given in consideration of the licence granted to the Ship.

SCHEDULE.

1. The Governors of Jamaica, British Guiana and Trinidad may from time to time nominate such persons as they shall see fit to act as Emigration Agents at Calcutta, Madras and Bombay.

2. The remuneration to be given to any such Agent in India, shall not depend upon or be regulated by the number of the Emigrants sent by him but shall be in the nature of an Annual Salary.

3. Every such Emigration Agent shall ascertain by personal communication with every Emigrant previously to his or her embarkation from the Port or Place for which such Agent shall have been appointed, that such Emigrant has not been induced to emigrate by any fraud, false or unreasonable

sonable expectation, and is aware of the distance of the Colony to which he or she is about to emigrate from the place where he or she is about to embark; and such Agent shall explain the real advantages likely to be derived by such Emigrant from a removal to such Colony, at the same time cautioning such Emigrant against unreasonable and unwarrantable expectations; and such Agent shall also ascertain that every such Emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity, or disease.

4. It shall not be lawful to ship on board of any Ship or Vessel carrying Emigrants from India to any of the Colonies aforesaid, any number of Passengers exceeding the proportion of one person for every two tons of the registered burthen of such Ship or Vessel, and no such Ship or Vessel carrying Emigrants and having more than one deck, shall have less than the height of six feet at the least between decks, and in case such Ship or Vessel shall have only one deck, a platform shall be laid beneath such deck and in such manner as to afford a space of the height of six feet at the least, and that such platform shall not be so laid as that the lower beams shall project above the same, and that no such Ship or Vessel shall have more than two tiers of berths, and that no such Ship or Vessel shall carry Passengers on any such voyage to any of the Colonies aforesaid unless there shall be an interval of six inches at least between the deck or platform and the floor of the lower tier throughout the whole extent thereof; and whatever may be the tonnage of the Ship or Vessel, no greater number of Passengers shall be taken on board of such Ship or Vessel than shall be after the rate of one such person for every twelve superficial feet of the lower deck or platform unoccupied by goods or stores not being the personal luggage of such person.

5. In the computation of the number of Passengers within the meaning

meaning of these Regulations, two Children under the age of ten years shall be considered as equal to, and shall be reckoned as, one person only.

6. There shall be actually laden on board of every Ship or Vessel, conveying Emigrants into any of the Colonies aforesaid at the time of departure of such Ship or Vessel from the Port or Place at which such laborers shall be embarked, good and wholesome provisions for the use and consumption of the said Passengers over and above the victualling of the Crew, to the amount or in the proportion following, that is to say, a supply of Water to the amount of five gallons for every week of the computed Voyage for every Passenger on board such Ship or Vessel, such Water being carried in Tanks or Sweet Casks, and a supply of Rice, Bread, Biscuit, Flour, Oatmeal, or Bread stuffs to the amount of seven pounds weight to every week of the computed voyage for every such Passenger; provided always that when any such Ship or Vessel shall be destined to call at a Port or Place in the course of her voyage, for the purpose of filling up her Water Casks, a supply of Water at the rate beforementioned for every week of an average voyage to such Port or Place of calling, shall be deemed to be a compliance with this Regulation, and provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case when it shall be made to appear, that by the special authority of the Governor General of India in Council any other articles of food were substituted for the articles above enumerated as being in his judgment equivalent thereto.

7. Before any such Ship or Vessel shall be cleared out on any such Voyage, the Agent appointed for the Port or Place from which such Ship or Vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the Provisions and Water hereinbefore required to be on board for the consumption of Passengers, and shall ascertain that the same

are

are in good and sweet condition, and also that over and above the same there is on board an ample supply of Water and Stores for the victualling of the Crew of the Ship or Vessel, and shall also ascertain that such Ship or Vessel is generally reputed sea-worthy and that the directions hereinbefore contained for ensuring the health and safety of the Passengers have been complied with, and shall grant a Certificate thereof under his hand to the Master of such Ship or Vessel.

8. The Master of every Ship or Vessel conveying Emigrants to Jamaica, British Guiana or Trinidad shall be bound to provide for and furnish to every such Emigrant, and his wife and children, a sufficient quantity of good and wholesome Provisions for his, her and their daily maintenance during such voyage and during the space of 48 hours next after the arrival of such Ship or Vessel at the place of destination.

9. Two copies of these Regulations, authenticated by the signature of the Agent at the Port or Place at which such Emigrants shall embark, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every Ship or Vessel carrying such Emigrants as aforesaid, and one of such copies shall upon request made at reasonable times to the Master of the Ship or Vessel be produced to any Passenger for his perusal.

10. The Master of every Ship or Vessel carrying Emigrants from India to any of the three Colonies aforesaid, shall before clearing out such Ship or Vessel, deliver to such Agent at the Port or Place from which such Vessel is cleared out, a list in writing, together with a duplicate of the same, specifying as accurately as may be, the names, ages and occupations of all and every the Emigrants on board such Ship or Vessel, and such Agent shall

shall thereupon deliver to the said Master the counterpart of such lists, signed by such Agent, and the said Master shall on the arrival of such Ship or Vessel at the place of destination, and previous to the disembarkation of any such Emigrants give notice of the arrival of such Ship or Vessel, and deliver the said counterpart of such list to the Protector of Immigrants appointed or to be appointed at the Colony at which the said Ship or Vessel may have arrived.

11. Provided always that nothing in these Regulations contained shall apply to any Ship or Vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's Ships of War.

Calcutta, 1844 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXII. OF 1844.

Passed by the Right Honorable the Governor General of India in Council on the 28th December, 1844.

An Act for regulating the Copper Coinage of the Mints in the Territories of the East India Company.

I. IT is hereby enacted, that from and after the passing of this Act the following Copper Coins only shall be issued from any Mint within the Territories of the East India Company:

1. A Pice weighing ..... 100 Grains Troy,
2. A Double Pice ..... 200 „ „
3. A Pie of one-twelfth of an Anna-piece ... 33⅓ „ „

with such devices as shall be fixed for the same by the Governor General in Council.

II. And it is hereby enacted, that from and after the passing of this Act the said Pice shall be a legal tender throughout the Territories of the East India Company for $\frac{1}{64}$ of the Company's Rupee, and the said Double Pice

Pice for $\frac{1}{32}$ of the Company's Rupee, and the said Pie for $\frac{1}{192}$ of the Company's Rupee.

III. And it is hereby enacted, that all Copper Coins of the weights specified in Section I. of this Act which may have been issued since the passing of Act XXI. of 1835, from any Mint within the Presidency of Bombay, shall be legal tender respectively for the values specified in Section II. of this Act within that Presidency.

IV. Provided always, that none of the said Copper Coins shall be legal tender except for fractions of a Rupee.

Calcutta, 1844.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

INDEX TO ACTS.

1845.

INDEX

TO THE

ACTS OF THE GOVERNMENT OF INDIA,

FOR 1845.

A.	*Acts.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Act No. XII. of 1841—3d and following Sections of,—repealed, (See Lands.)	I.	.....	.....	Bengal.
Acts No. XIV. 1836, I. 1838, VI. 1844—Schedules A annexed to—amended, ...	IX.	.....	.....	General.
Act No. XV. 1844—repealed, (See Duties.)	„			
„ No. IV. of 1840—so much of Section IV. of—As provides for the period of complaint against forcible dispossession, repealed as far as regards complaints by Native Officers and Soldiers, ... (See Native Officers and Soldiers.)	XV.	VI.		
„ XXIX. of 1841—Provisions of—modified, ...	XVI.	.....	.....	Bengal and Madras.
„ XXI. of 1844—Section VIII. of—as regards time of sailing of Vessels with Emigrants from Madras to Jamaica, British Guiana, and Trinidad—repealed, ... (See Emigrants.)	XXV.	.....	.....	Madras.

Act

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Act No. IV. of 1840—extended to Assistant Magistrates,.. (See Assistant Magistrates.)	XXVII.			
Adultery—how punishable, ...	II.	I.	.....	Bombay.
——Who shall prosecute for the offence of,.....	„	II.		
Agent for the Suppression of Meriah Sacrifices, ... (See Meriah Sacrifices.)	XXI.	.....	.....	Bengal and Madras.
Ale—See Duties.				
Appeal—Courts of—may or may not call for security for costs from appellants,.....	III.	.....	.....	Presidency of Fort William.
—Conducted on behalf of Government—security no longer demandable from Public Officers in matters connected with, (See "Security.")	VIII.	.....	.....	Bombay.
Appeals dismissed under Act 29 of 1841, may hereafter be readmitted in certain cases, .	XVI.	I.	.....	Bengal and Madras.
——dismissed before the passing of this Act and under the above Act may be readmitted in similar cases,.....	„	II.		
——readmitted under this Act but again dismissed under Act 29 of 1841, shall not be readmitted again, ...	„	III		
Arrack—Licences for the sale of —in Calcutta—(See Licence.)				
„ Manufacture of—by European process within the Madras Presidency — (See Licence.)				

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
Arrears of Revenue—Sale of Lands for, ... (See Lands.)	.....	.....	.....	Bengal.
Articles of War—for the Government of Native Officers and Soldiers in the Military Service of the Company to have effect from 7th October 1845, ...	XX.	.....	.....	General.
„ Preliminaries to be observed prior to enrolling a Recruit in his Regiment, ...	XX.	I.	1	
„ Dismissal of Commissioned and Non-Commissioned Officers and Soldiers shall be subservient to whose orders,	„	„	2	
„ Certificate of discharge to be given to Non-Commissioned Officers and Soldiers,	„	„	3	
„ Penalty for Non-Commissioned Officers or Soldiers enlisting themselves in other Regiments without a regular discharge, ...	„	„	4	
„ Enumeration of crimes punishable with Death, Transportation, Corporal Punishment, Imprisonment or Dismissal,.....	„	II.		
„ Committing Mutiny or Sedition, ...	„	„	5	
„ Using or offering violence against superior Officers, ...	„	„	6	
„ Disobeying Commands,.....	„	„	7	

Articles

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
Articles of War — Deserting the Service, ...	XX.	II.	8	
„ Sleeping while upon posts as Sentries, or leaving them without being relieved or without leave,.....	„	„	9	
„ Abandoning or delivering up any Garrison, Fortress, Post or Guard, or inducing others to do the same, ...	„	„	10	
„ Abuse of Watchword, ...	„	„	11	
„ Corresponding with the Enemy, or suppressing knowledge of such correspondence,	„	„	12	
" Assisting or relieving the Enemy with Money, &c., or harbouring or protecting him,	„	„	13	
„ Allowing prisoners to escape,	„	„	14	
„ Misbehaving before the Enemy or inducing others to do the same, ...			15	
„ Casting away Arms or Ammunition before the Enemy,	„	„	16	
„ Leaving the Commanding Officer, or Posts, Colours or Parties in time of action for plunder, ...	„	„	17	
„ Doing violence to persons bringing provisions or other necessaries to the Camp or Quarters, forcing safe guards, or breaking into any house or place for plunder, or plundering Fields or Gardens or other property, ...	„	„	18	

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
Articles of War—Raising false alarms in Action, Camp, Garrison or Quarters, ...	XX.	II.	19	
„ Releasing or through carelessness suffering State Prisoners to escape, ...	„	„	20	
„ Leaving Posts without being relieved, or without leave while employed as Sentries over State Prisoners, Treasure, Magazine or Dock Yard. If an Officer how punishable. If a Soldier ditto ditto, ...	„	„	21	
„ Crimes not punishable with Death or Transportation.				
„ Officers or Soldiers creating unnecessary alarm by spreading Reports during operations in the Field, ...	„	„	22	
„ In or before Actions creating alarm or despondency,...	„	„	23	
„ Being drunk when on duty,	„	„	24	
„ Soldiers being grossly insubordinate or insolent in the Ranks, or before a Court Martial. If an Officer how punishable. If a Soldier ditto ditto, ...	„	„	25	
„ Officers improperly behaving, ...	„	„	26	
„ Officers or Soldiers leaving their arrest or confinement before set at liberty,.....	„	„	27	
„ Advising or conniving at Desertion,.....	„	„	28	

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
Articles of War — Obtaining Pensions or Allowances by false Statements or Certificates, or by omitting true Statements, ...	XX.	II.	29	
„ Making false Returns or Reports of men under their Commands, or of Arms, Ammunition, &c., ...	„	„	30	
„ Malingering, feigning or intentionally producing disease or infirmity, delaying cures and aggravating diseases, ...	„	„	31	
„ Extorting while on the Post or March, ...	„	„	32	
„ Defiling places of Worship and insulting religious prejudices of others, ...	„	„	33	
„ Plundering or injuring property.	„	„	34	
„ Soldiers when off duty carrying any Weapon, ...	„	„	35	
„ Selling, pawning, losing or injuring horse, arms, clothes, &c. &c. If an Officer how punishable. If a Soldier ditto ditto, ...	„	„	36	
„ Crimes punishable with Fine or loss of Pay in addition to other Punishment.				
Officers and Soldiers embezzling or misapplying any money, provisions, &c., entrusted to them —or spoiling such property, how punishable, ...	„	„	37	

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
Articles of War — Soldiers maiming or injuring themselves or other Soldiers, ...	XX.	II.	38	
„ Purloining or selling Government Stores, ...	„	„	39	
„ Stealing Soldiers' or Officers' Money or Goods,.....	„	„	10	
„ Embezzling or mis-applying public money, ...	„	„	41	
„ Committing petty offences of a fraudulent nature, ...	„	„	12	
„ Guilty of any other disgraceful conduct—how punishable, Crimes not punishable with Corporal Punishment or Imprisonment with Labor.	„	„	13	
„ Officers or Non-Commissioned Officers striking any Soldier,.....	„	„	14	
„ Sentry sleeping upon his Post in time of Peace or leaving it without being relieved, ...	„	„	15	
„ Officers or Soldiers enlisting a Deserter, or conniving at his enlistment, ...	„	„	16	
„ Requiring or accepting bribes for procuring leave of absence or promotion for any Officer or Soldier, ...	„	„	17	
„ Not doing reparation for injuries complained of to them,	„	„	18	
„ Refusing to receive Prisoners committed to their charge,				

Articles

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
releasing Prisoners without authority, or allowing them to escape, ...	XX.	II.	49	
Articles of War — Quitting Guards or Picquets in time of Peace without being relieved, ...	„	„	50	
„ Impeding the Provost Marshal or his Assistants, or others exercising authority, or refusing assistance to them in the execution of their duty,	„	„	51	
„ Not rejoining their Regiments ordered on service, when on leave, ...	„	„	52	
„ Occasioning false alarms in time of Peace by discharge of Fire Arms, &c.,.....	„	„	53	
„ Failing to repair to the Parade for exercise,.....	„	„	54	
„ Quitting their Company or Troop or the Parade without leave, ...	„	„	55	
„ Absenting without leave, or without cause overstaying the period of leave, ...	„	„	56	
„ Soldiers found two miles from the Camp contrary to orders,.....	„	„	57	
„ Absenting from the Cantonment after Tatoo, or from Camp after Retreat beating,	„	„	58	
„ Selling, losing or wasting Ammunition— If an Officer, how punishable. If a Soldier, ditto ditto, ...	„	„	59	

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
Articles of War—All crimes not Capital and all disorders or neglects which Officers or Soldiers may be guilty of though not specified in the above Articles shall be cognizable by Courts Martial and how punishable, ...	XX.	II.	60	
„ Persons amenable to these Articles when summoned before a Court Martial, not attending or refusing to be sworn or to make affirmation, or to answer any lawful question, or inducing others so to offend, how punishable,	„	„	61	
„ Persons not amenable to these Articles who having been summoned upon any Court Martial shall offend as above or be guilty of perjury, how to be dealt with, ...	„	„	62	
„ Persons using menacing or disrespectful words, signs or gestures before a Court Martial, or disturbing its proceedings—how punishable,...	„	„	63	
„ Persons guilty of giving false evidence before Courts Martial—how punishable, ...	„	„	64	
„ Offences admitting of less serious notice triable by District or Garrison or Regimental Courts Martial, excepting Mutiny offences de-				

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
signated "Disgraceful Conduct," and admitting of less serious notice triable by Regimental Courts Martial, ...	XX.	II.	65	
Articles of War—Offences committed on the Line of March, or on Board Ship, how to be tried and punished,.....	„	„	66	
„ Officers or Soldiers triable by Courts Martial should by the issue of process be put under arrest or confinement until tried or discharged,.....	„	III.	67	
„ Limitation of the periods of trial of the offender previous to the order directing the assembly of the Court Martial,	„	„	68	
„ Offenders may be tried at any place other than where the offence had been committed,	„	„	69	
„ By whose order Courts Martial may be appointed, and vested with what powers, ...	„	„	70	
„ A General Court Martial how to be constituted, and its sentence shall be subject to whose confirmation, ...	„	„	71	
„ Powers of a General Court Martial, ...	„	„	72	
„ Confirmation and commutation of sentence by the Commander in Chief, ...	„	„	73	
„ District or Garrison Court Martial how to be constituted				

and

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
and its sentences by whom to be confirmed,.....	XX.	III.	74	
Commutation of sentences of such Courts Martial.				
Articles of War—Powers of a District or Garrison Court Martial, ...	„	„	75	
„ A Regimental Court Martial how to be formed, and its order by whom to be confirmed, ...	„	„	76	
Commutation of sentences of such Courts Martial.				
„ Powers of a Regimental Court Martial, ...	„	„	77	
„ Regimental Detachment Court Martial how to be formed. What shall be its powers—and provisions relating to Regimental Courts Martial applicable to Detachments, ...	„	„	78	
„ Officer convening Courts Martial may instruct them to omit solitary confinement and corporal punishment in their sentences in particular cases, ...	„	„	79	
„ Execution of sentences of Death by Courts Martial, ...	„	„	80	
„ Sentences of Transportation and Imprisonment, how to be executed, ...	„	„	81	

Articles

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
Articles of War—Commander in Chief may transport offenders sentenced to Imprisonment for Life, ...	XX.	III.	82	
„ Persons sentenced to Imprisonment may be imprisoned in any public prison, ...	„	„	83	
„ Soldiers who have undergone the punishment of imprisonment with hard labor shall not be re-admitted in the ranks or entitled to Pension, ...	„	„	84	
„ Offenders sentenced to corporal punishment or imprisonment with hard labor shall be dismissed with ignominy, ...	„	„	85	
„ Fines or Stoppages adjudged by a Court Martial, how to be recovered, ...	„		86	
„ Period and amount of forfeiture or stoppage limited, ...	„	„	„	
„ Hours fixed for the Courts to sit, ...	„	„	87	
„ Proceedings of General and Inferior Courts Martial to be conducted by Officers of what standing, ...	„	„	88	
„ An Interpreter to be appointed to Courts Martial—and by whom, ...	„	„	89	
„ The Senior Officer shall preside, and how the Subadar Major and other Native				

Officers

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
Officers shall rank. In the absence of the President who shall preside, ...	XX.	III.	90	
Articles of War—Revision of sentence, ...	„	„	91	
„ Votes of Members and President how to be regulated,	„	„	92	
„ What majority required in cases of sentence of death, ...	„	„	93	
„ Forms of Affirmation, ...	„	„	94	
„ Persons to be examined on Oath according to their own religion—Forms of Affirmation for Hindoos and Mahomedans, ...	„	„	95	
„ Witnesses not amenable to these Articles how to be summoned, ...	„	„	96	
„ Powers and duties of Provost Marshal, ...	„	„	97	
„ Trials by European Courts Martial of persons claiming to be tried by such Courts,...	„	„	98	
„ Effects of the Dead how to be secured, ...	„	IV.	99	
„ If no Heirs, how the Effects are to be disposed of,.....	„	„	100	
„ Effects of Deserters how to be disposed of, ...	„	V.	101	
„ Powers and Provisions relating to the Commander in Chief and to Soldiers how to be construed,.....,..... ...	„		102	
„ Troops of one Presidency serving within another, shall				

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
be subject to the order of the Commander in Chief of the Presidency within which they may be serving, except when otherwise directed by the Governor General, ...	XX.	V.	103	
Articles of War—Commanding Officers may summon Courts Martial for trying offenders belonging to the Company's Army serving out of H. M.'s or the Company's Territories and of the States in alliance with the Company, ...	,,	,,	104	
,, General Courts Martial only to try Commissioned Officers or to pass sentence of Death or Transportation, ...	,,	,,	105	
,, Persons not liable to be tried for the second time by the same or other Court Martial for the same offence. After a Soldier has been found guilty his general character to be ascertained, ...	,,	,,	106	
,, Non-Commissioned Officers shall be reduced to the ranks only by the sentence of a Court Martial or by order of the Commander in Chief, ...	,,	,,	107	
,, Complaints of Officers or Soldiers against their superior or other Officers, how to be dealt with, ...	,,	,,	108	
,, Light offences how punishable,	,,	,,	109	

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
Articles of War—Officers or Soldiers taken Prisoners by the Enemy, how far entitled to arrears of Pay and Allowance on return, ...	XX.	V.	110	
„ Mode of dealing with offences not Military, ...	„	VI.	111	
„ Crimes triable by Courts Martial where no regular criminal tribunals exist, ...	„	„	112	
„ General Courts Martial shall have cognizance ordinarily of what offences, ...	„	„	113	
„ Offences cognizable by District or Garrison Courts Martial, ...	„	„	114	
„ Regimental, Detachment or Line Courts Martial shall have cognizance of what offences,	„	„	115	
„ General Courts Martial shall punish murder with death,...	„	„	116	
„ What offences shall be punishable by Transportation for Life by the said Court, ...	„	„	117	
Offences punishable by Imprisonment for 14 *years by said Court, viz.*				
„ House-breaking, Robbery and Stealing with Wounding, ...	„	„	118	
„ Wounding with intent to Murder, ...	„	„	119	
„ Robbery or Dacoity, ...	„	„	120	
„ House-breaking between sunset and sunrise, ...	„	„	121	

Articles

	Acts.	Section.	Articles.	Territorial Scope of the Acts.
Articles of War—House-breaking and stealing, ...	XX.	VI.	122	
,, Purchasing or receiving stolen property, ...	,,	,,	123	
Offences punishable by Imprisonment not exceeding 7 years by a General Court Martial.				
,, Homicide, ...	,,	,,	124	
,, Premeditated affray, attended with Homicide or severe Wounding, ...	,,	,,	125	
,, Intentionally Wounding or Maiming, ...	,,	,,	126	
,, Accidentally Wounding or otherwise doing corporal injury to one person with the intention of injury to another,	,,	,,	127	
,, House breaking between sunrise and sunset, ...	,,	,,	128	
,, Stealing property exceeding the value of 300 Rupees, ...	,,	,,	129	
,, Purchasing stolen property exceeding the above amount,	,,	,,	130	
,, Arson, ...	,,	,,	131	
,, Unnatural Crime, ...	,,	,,	132	
,, Rape, ...	,,	,,	133	
,, Enticing for unlawful purposes unmarried women under 15 years, ...	,,	,,	134	
,, Stealing children under 8 years, ...	,,	,,	135	

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
DISTRICT, OR GARRISON COURT MARTIAL.				
Offences punishable by Imprisonment not exceeding 3 years.				
Articles of War—Offenders not being Commissioned Officers how punishable for offences as in the above Articles not punishable with Death, Imprisonment, or Transportation for Life, ...	XX.	VI.	136	
„ Officers or Soldiers convicted of stealing any property of value not exceeding 300 Rupees, but exceeding 50 Rupees, ...	„	„	137	
„ Receiving stolen property not exceeding 300 Rupees,...	„	„	138	
„ Keeping in possession stolen property, knowing it to have been stolen, ...	„	„	139	
REGIMENTAL, DETACHMENT, OR LINE COURTS MARTIAL.				
„ Offenders not being Commissioned Officers how punishable for offences specified in the above Articles which are not punishable with Imprisonment exceeding 3 years,	„	„	140	
„ Stealing property of the value of 50 Rupees or less, —how punishable, ...	„	„	141	

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
Articles of War — Assault or affray unattended with homicide, severe wounding, or aggravating circumstances, —how punishable, ...	XX.	VI.	142	
„ Resisting process of a Magistrate, ...	„	„	143	
„ Offending against person or property not provided for in —the above Articles,—how punishable, ...	„	„	144	
„ Aiding and abetting the Commission of the above offences,—how punishable,...	„	„	145	
„ Sentence of Death not to be carried into execution until confirmed by the Commander in Chief, and concurred in by the Government, ...	„	„	146	
„ Commander in Chief may confirm, remit or commute any sentence of Death, ...	„	„	147	
„ Sentence of Transportation not to be carried into effect until confirmed by the Commander in Chief, who may commute it into Imprisonment, ...	„	„	148	
„ Competent Officers may confirm, remit or mitigate any sentence, ...	„	„	149	
„ Sentence of Imprisonment with hard labor and award of discharge substituted for other punishment not to be				

carried

	Acts.	*Section.*	*Articles.*	*Territorial Scope of the Acts.*
carried into effect without the sanction of the Officer Commanding the Division or Field Force or District or Division, ...	XX.	VI.	150	
Articles of War — Offenders tried by a Court Martial shall not be tried for the same offence in any other Court. Persons acquitted or convicted by a Civil Court may be Cashiered or Dismissed,...	„	„	151	
„ Regulations concerning the powers of certain Officers and the constitution of Punchayets or Courts Martial to continue in force, ...	„	„	152	
„ Application of the Articles,...	„	VII.	153	
„ Promulgation of the same, ...	„	„	154	
Assam Company—Names of persons forming the Body Corporate for the Manufacture of Tea, &c., in Assam and other North Eastern parts of India,.....	XIX.	I.	.....	Bengal.
„ May prosecute and extend the cultivation of Tea plants, and exercise certain powers for that purpose—other Articles for the nature indicated may also be cultivated, except Opium, Coffee or Sugar,	„	II.		
„ What shall be the Capital, and how far it can be increased, ...	„	III.		

Assam

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Assam Company — Raising loans restricted to a certain extent, ...	XIX.	IV.		
„ Right of property heretofore enjoyed by the Society now vested in, ...	„	V.		
„ May make and alter Bye-Laws, Rules and Regulations for the government of affairs —Present Deed of Association of the Company to continue in force until altered,...	„	VI.		
„ Proceedings of Meetings held heretofore legalized, ...	„	VII.		
„ General Meetings where and how often to be held, and scale of votes to which the Proprietors shall be entitled,	„	VIII.		
„ Accounts to be produced before such periodical Meetings,	„	IX.		
„ Payments already made for Shares confirmed,.....	„	X.		
„ Certificates to be granted to Shareholders of their respective shares which shall be negotiable, ...	„	XI.		
„ Shares to be deemed as personal Estates, ...	„	XII.		
„ Unpaid amount of Shares how to be realized, ...	„	XIII.		
„ Penalty for non-payment of instalments	„	XIV.		
„ Shall have the benefit of, and be bound by the acts of the Provisional Committee				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
or the partnership Association heretofore done, and sue and be sued thereon, ...	XIX.	XV.		
Assam Company — Copies of original Deed of Settlement, Rules, Orders, Bye Laws, &c., to be kept in the office of the Company, and deposited in the Prothonotary's Office, and the production of the same duly certified shall be sufficient evidence in cases tried in any Court, ...	„	XVI.		
„ Entry of names of Directors and Officers of the Company where to be kept, ...	„	XVII.		
„ Entry of names of the Proprietors, with certain particulars how and where to be kept, ...	„	XVIII.		
„ Shall sue and be sued in the name of the Company, ...	„	XIX.		
„ Service of process and notice of proceedings may be made and given to the Secretary,	„	XX.		
„ Act how long to continue in force, ...	„	XXI.		
Assessments—(See Municipal Fund,)				
Assistant Magistrates vested with special powers may decide cases under Act IV. of 1840, ...	XXVII.	I.	.....	Presidency of Fort William.
„ Magistrates may re-call any depending cases, and deter-				

mine

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
mine themselves in the first instance,.....	XXVII.	II.		
Attachment — of Pension of Soldiers and others by Process—(See Pensions.)				
Attorneys—admission of—into the Supreme Court at Bombay, ...	XIII.	.....	.....	Bombay.
(See Supreme Court.)				
B.				
Bank—(See Union.)				
Beer—(See Duties.)				
British Guiana—Emigrants to—(See Emigrants.)				
C.				
Canals—The Lieutenant Governor may apply the provisions of this Act to any—for regulating the levy of Water Rent, Tolls and Dues thereof, ...	VII.	I.	.....	N. W. P.
„ He may make Rules for the above objects both as regards navigation and irrigation, ...	„	II.		
„ Acts done contrary to such rules how punishable,.....	„	III.		
„ Payment of balances of Water Rent for Lands irrigated how to be enforced, ...	„	IV.		
„ Obstructions and damages to the same shall be liable to penalties, ...	„	V.		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Canals—Offending against the Act or the Rules passed under it, how punishable, ...	VII.	VI.		
„ Payment of Toll how to be enforced if refused, ...	„	VII.		
„ The Lieutenant Governor may appoint an Officer for collecting the Rent, Toll and Dues, and with what powers,	„	VIII.		
Commissions — of the Peace how and by whom to be issued, to persons to act as Justices of the Peace not named in the General Commission last issued, ...	VI.	.....	.....	General.
Compensation—to injured parties—awarding fines in—(See Fines,)	.....	.....	.....	Madras.
Conservancy—(See Municipal Funds,)	.....	.....	.....	Bombay.
Convicts—under Sentence of Imprisonment or Transportation for Life not within the Jurisdiction of Supreme Courts or Straits' Settlements committing acts with the intention of causing the death of any person, how to be punished hereafter, ...	XVIII.	I.	.....	General.
„ Such—committing any other offence how to be punished,..	„	II.		
Costs—security for—in cases of Appeals—(See Appeals.)				
„ Security for—from Public Officers in cases of Appeals				

conducted

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
conducted on behalf of Government—(See Security,)...	.....	.....	.....	Bombay.
Cotton Piece Goods and Twist —(See Duties.)				
County Funds—(See Municipal Funds,)	.....	.....	.....	Bombay.
Court—for the trial of persons in the Pilot Service—(See Pilots.				
Courts — Company's — May issue Warrants for the apprehension of defendants on failure to serve Summons in Criminal Cases—(See Warrants.)				
Courts Martial—held on Native Officers and Soldiers—(See Articles of War.)				
Criminal Business—dispatch of —facilitated in the Supreme Court at Madras — (See Supreme Court.)				
Cuttack—Tributary Mehals in —(See Meriah Sacrifices.)				
Cyder—(See Duties.)				
D.				
Deeds—registration of — (See Registry.)				
Defendants—Warrants may be issued to — by Company's Courts in criminal cases on failure of service of Summons, ... (See Summons.)	X.	.....	.....	

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Distilleries—for the Manufacture of Spirituous Liquors within the Madras Presidency —(See Licenses.)				
Duties on Marine Stores—Metals—Woollens, Cotton and Silk Piece Goods, Cotton Twist and Yarn—Wines and Liqueurs, Spirits and all manufactured articles not mentioned in Schedules A. in Acts XIV. 1836, I. 1838, and VI. of 1844, how to be levied hereafter, ...	IX.	I.	.....	General.
„ Provisions of the above Acts having reference to the said Schedules now repealed, shall have reference to Schedule A. annexed to this Act, ...	„	II.		
„ Act XV. of 1844, repealed,..	„	III.		
E.				
Emigrants—Time for Vessels carrying—from Madras to Jamaica, British Guiana and Trinidad regulated for the future,.....	XXV.	II.	.....	Madras.
Estates—Sale of—for arrears of Revenue—(See Lands.)				
F.				
Fines—may be awarded by Session Judges within the				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Madras Presidency in compensation to injured parties, ...	XXX	.....	.....	Madras.
G.				
Ganjam—(See Meriah Sacrifices.)				
Governor General—Powers of the—during his absence from the Council of India on a visit to the N. W. Provinces,.....	XXII.	I.	.....	General.
„ Act when to commence operation,.....	„	II.		
H.				
Hindoo Law Officers — (See Law Officers.)				
I.				
Import Duties — on certain Goods imported by Sea—(See Duties,)	.....	.....	.....	General.
Imprisonment for Life—Convicts under sentence of—committing offences how to be punished—(See Convicts.)				
Invalid Officers—Pensions of—(See Pensions.)				
Irrigation of Lands by Canals in the N. W. P.—Rules relating to—(See Canals.)				

J.	*Acts.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Jamaica—Emigrants to—(See Emigrants.)				
Joint Judges may be appointed in any Zillah within the Bombay Presidency for facilitating the transaction of Civil business. Their powers defined, ...	XXIX.	I.	.....	Bombay.
„ Shall be guided by what Rules and Regulations, ...	„	II.		
„ Oath of office how to be taken,	„	III.		
„ Seal to be the same as is used by the Judge, ...	„	IV.		
„ Joint Session Judges may be appointed in any Zillah for facilitating the transaction of Criminal business. Their powers defined, ...	„	V.		
„ Shall be guided by what Rules and Regulations, ...	„	VI.		
„ Oath of office how to be taken,	„	VII.		
„ Seal to be the same as is used by the Session Judges,	„	VIII.		
Judges — Joint — Under the Bombay Presidency — (See Joint Judges.)				
L.				
Laborers—(See Emigrants.)				
Lands — Law relating to sale of—for arrears of Revenue, amended—(See Acts,)	I.	I.	.....	Bengal, Behar, Orissa, and Benares.
„ Definition of an arrear, ...	„	II.		
„ Dates for the payment of arrears in permanently set-				

tled

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
tled Districts to be fixed by the Sudder Board, and how notified, ...	I.	III.		
Lands — not in permanently settled Districts, and in the Benares Province not saleable without the Board's previous sanction, ...	„	IV.		
„ Notice of fifteen clear days preceding the date fixed for the payment of arrears of certain descriptions necessary before the Estates are brought to sale, ...	„	V.		
„ After the latest fixed day of payment, Estates to be notified for sale with what particulars and for what period— Tender of payment after the latest date of payment not to bar sales, ...	„	VI.		
„ After notification a proclamation to be affixed at certain conspicuous places forbidding the ryots and under-tenants to pay rent to the defaulting proprietor after the last date of payment, ...	„	VII.		
„ No claim to abatement or remission of Revenue except as mentioned, nor any demand against Government, shall bar or render a sale voidable, ...	„	VIII.		

Lands

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Lands—Parties other than proprietors may deposit the amount of the arrear before sunset of the latest date of payment. If the party be a plaintiff in a suit, he may be put in temporary possession of the Estate—Deposits made for the protection of one's own interest how to be reimbursed, ...	I.	IX.		
„ Estates under what circumstances exempted from sale for arrears, ...	„	X.		
„ Collectors and Commissioners of Revenue may exempt Estates from sale, the reasons being duly recorded, ...	„	XI.		
„ Sales where to be held, ...	„	XII.		
„ Sales may be adjourned till another day, owing to the Collector's sickness or any other causes, ...	„	XIII.		
„ Sales to be held in regular order with reference to the number of the Estates as on the Towjee, except in cases mentioned, ...	„	XIV.		
„ Purchasers of Estates to make deposits immediately and to what extent,.....	„	XV.		
„ Full amount of purchase money to be paid within thirty days. In default the deposit to be forfeited—the				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Estate re-sold, and the difference, if any, how to be levied. Payment of arrears by the proprietor before sunset of the day preceding the day of re-sale shall bar such re-sale, ...	I.	XVI.		
Lands—Commissioners of Revenue may on appeal annul sales if held contrary to this Act, the purchaser being compensated by the proprietor, ...	„	XVII.		
„ Local Government may annul sales at the recommendation of Sudder Board and Commissioner, ...	„	XVIII.		
„ Sales when to be final,.....	„	XIX.		
„ A Certificate of Title to be given to the purchaser in the form prescribed, the transfer how to be proclaimed, and the proceeds how disposed of,	„	XX.		
„ Plea of Benamee purchase inadmissible, ...	„	XXI.		
„ Annulment of Sales how to be notified — Deposit and balance of purchase money how to be refunded, ...	„	XXII.		
„ Purchasers liable for instalments falling due after the latest day of payment, ...	„	XXIII.		
„ Grounds and conditions on which a Civil Court may reverse a sale. Personal ac-				

tions

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
tions for damages allowed in what cases, ...	I.	XXIV.		
Lands—On reversal of sale by a Court of Justice, the purchase money to be refunded with interest, ...	„	XXV.		
„ Purchasers of permanently settled Estates in Bengal, Behar, Orissa and Benares, shall acquire them free from incumbrances imposed after settlement, enhance rents of under tenures with certain exceptions, ...	„	XXVI.		
„ Purchasers of Estates in other than permanently settled Districts shall acquire them free from incumbrances imposed after settlement and annul under tenures and agreements with ryotts with certain exceptions, ...	„	XXVII.		
„ Local Government may reserve all under tenures at the sale of Estates, cancel such sale if found detrimental to the interest of Government before it is final, and re-sell the Estate without the reservation, ...	„	XXVIII.		
„ Purchase by a Proprietor or Co-partner of Estates in his own or in the name of others shall be subject to all incumbrances and conditions which				

existed

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
existed previous to the sale, ...	I.	XXIX.		
Lands—Arrears of rent due to the defaulter how recoverable by him after sale, ...	„	XXX.		
„ Contempt to the Collector at the sale how punishable—Appeals in such case where to lie,	„	XXXI.		
„ Default to make good a bid shall be a contempt,.....	„	XXXII.		
„ Act to affect what Provinces,	„	XXXIII.		
Law Officers—Persons passing an examination in the prescribed form shall be eligible to the appointment of Mahomedan and Hindoo, ... (See Regulations.)	V.	II.	.....	Presidency of Fort William.
Licences—Government of Bengal may vest any person with the powers of granting or withholding—for the sale of Arrack or Liquors in Calcutta, ...	XXVI.	I.	.....	Calcutta.
„ Government of Bengal may always regulate the form of,..	„	II.		
„ Officer granting—may demand Fees, Taxes and Duties, as fixed under sanction of Government, ...	„	III.		
„ In case of non-payment of the same the Officer may withhold or recal the Licences. Penalty for selling whilst the Licenses are withheld or re-called, ...	„	IV.		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Licences—for the manufacture of Spirituous Liquors—Regulation I. of 1820, of the Madras Code, relating to—modified, ...	XXXII.	I.	.....	Madras.
„ Granted under Section 4, Regulation I. of 1820, for the establishment of Distilleries, how to be prepared hereafter, and shall contain what stipulations, ...	„	II.		
„ Penalties for the breach of the stipulations, ...	„	III.		
„ Offences specified in Regulation I. of 1820, to be subject to the penalties therein provided—European British subjects exempted from hard labor when imprisoned under sentence passed under the Regulation—Fines how recoverable, ...	„	IV.		
„ British subjects to be imprisoned in the Madras Gaol,...	„	V.		
„ Such prisoners how to be received by the Gaoler, ...	„	VI.		
Liquors—(See Duties.)				
„ Licences for the sale of—in Calcutta—(see Licences.)				
„ Spirituous—manufacture of —by European process within the Madras Presidency—(See Licences.)				
Liqueurs—(See Duties.)				

Mahomedan

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
M.				
Mahomedan Law Officers—(See Law Officers.)				
Magistrates—Assistant — deciding cases under Act IV. of 1840—(See Assistant Magistrates.)				
Manufactured Articles — (See Duties.)				
Marine Stores—(See Duties.)				
Meriah Sacrifices—Estates in the Tributary Mehals in Cuttack placed under the jurisdiction and superintendence of the Agent for the Suppression of—and his subordinates, ...	XXI.	I.	.....	Bengal and Madras.
„ Portions of the country comprising the South Western Frontier Agency, may be placed under the Superintendent for the Suppression of—	„	II.		
„ Portions of the country specified in Section II. Act XXIV. of 1839, and heretofore under the control of the Collectors of Ganjam or Vizagapatam, may be placed under the Agent for the Suppression of—	„	III.		
„ Any portion of Zillah Rajahmundry may be placed under the jurisdiction of said Officer—	„	IV.		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Meriah Sacrifices—Agents and their subordinates appointed under this Act to be guided by what authority—.....	XXI.	V.		
„ Governor General in Council may prescribe rules for the guidance of the Agents and Subordinates in Civil and Criminal matters, ...	„	VI.		
Military Service—Native Officers and Soldiers in the—(See Articles of War.)				
Moonsiffs may hereafter retain Nazirs, to whom Clause 8, Section 14, Regulation XXVI of 1814 shall be applicable—(See Regulations.)	XIV.	II.		
„ How to enforce the attendance of Witnesses in their Courts—(See Witnesses.)				
Municipal Funds—Persons paying Tax for Houses, Buildings, Grounds, Shops, Stalls, Carriages, Carts or Horses, required to furnish returns of annual value thereof. Non-delivery of them and false returns how punishable,.....	XI.	III.	.....	Bombay and Colaba.
„ Houses or Buildings assessed how to be identified, ...	„	IV.		
„ Collector of Land Revenue shall make a Quarterly Assessment on Shops and Stalls, :.....	„	V.	I.	

	Acts.	Section.	Clause.	Territorial Scope of the Acts.
Municipal Funds—Assessments how to be collected by the Collector, ...	XI.	V.	II.	
„ Tax to be collected quarterly under the Collector's receipt,	„	„	III.	
„ Religious Edifices, and what other Buildings exempted from Assessment,.....	„	VI.		
„ Monies collected under what heads and authorities disposable under this Act,.....	„	VII.		
„ Exemption of certain collections from the purposes of this Act,.....	„	VIII.		
„ Sums of money paid out of the County Fund under Act XXVIII of 1839, henceforth to be paid out of the—.....	„	IX.		
„ Monies collected under Section VII. of this Act to form the—and to be placed under whose control. 'A Board of Conservancy for administering the Funds, how to be formed, ...	„	X.		
„ What amounts to be allotted for the General Police Expenses throughout Bombay and Colaba Islands, ...	„	XI.		
„ Balance how to be appropriated by the Board,.....	„	XII.		
„ Board may construct certain New Public Works with the sanction of Government, ...	„	XIII.		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Municipal Funds—Board may appoint Officers required for the purposes of this Act, ...	XI.	XIV.		
„ Amount of Fines payable to the — how to be ascertained, ...	„	XV.		
„ Sums under authority of Chapter 4, Regulation XIX. of 1827, how to be collected hereafter, ...	„	XVI.		
„ Receipts and Disbursements, how to be accounted for by the Board,.....	„	XVII.		
„ Conservancy Board may refer to Government any measures rejected by the body appointed for the control of the—	„	XVIII.		
„ Shall hereafter comprehend the "Police Fund," "County Fund," and "Assessment Fund,"	„	XIX.		
„ Fines under this Act how to be recovered, ...	„	XX.		
N.				
Native Officers and Soldiers—Regulation XV. of 1816 of the Bengal Code relating to certain privileges of — declared to be still in force— .	XV.	I.	.....	General.
„ Extending the above Law to the Bombay Presidency,				

that

	Acts.	Section.	Clause.	Territorial Scope of the Acts.
that for Madras being already the same in substance, ...	XV.	II.		
Native Officers and Soldiers—Company's Courts shall receive plaints from—upon unstamped paper in original suits, ...	„	III.		
„ Value of Stamp to be charged in the Decree to the party cast or to the parties respectively, ...	„	IV.		
„ Penalty for instituting suits in which the—are not bona fide interested, or not interested to the extent alleged,...	„	V.		
„ So much of Section 1, Act IV. of 1840, as provides for the period of complaints against forcible dispossession of Lands, &c., repealed as far as regards Native Officers and Soldiers, ...	„	VI.		
„ Period of complaint by—after dispossession left to the discretion of the Magistrate, ...	„	VII.		
Native Officers and Soldiers—Articles of War for the Government of—(See Articles of War.)				
Navigation on Canals in the N. W. P.—(See Canals.)				
Nazirs in the Moonsiff's Courts—(See Moonsiffs and Regulations.)				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
O.				
Officers—Native — Articles of War for the Government of —(See Articles of War.)				
Officers of the Pilot Service—(See Pilots.)				
Orissa Hill Tracts—(See Meriah Sacrifices.)				
P.				
Pensions—of Invalid Officers, Soldiers and Retainers of the Bombay Army, and any public Servants exempted from attachment by Process of Courts for demands against the Pensioners, ...	XXXI.	I.	.....	Bombay.
„ Assignments of — declared null and void except as mentioned—.....	„	II.		
Pilots—how to be tried for breach of duty, ...	XXIV.	I.	.....	Bengal.
„ President of the Court for the trial of—how to be appointed, ...		II.		
„ The Court how to be composed, and by whom to be convened, ...	„	III.		
„ Place of President how to be supplied in case of absence, ..	„	IV.		
„ Attendance of persons appointed to the Court how to be enforced, and under what penalty, ...	„	VI.		Pilots

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Pilots—Proceedings by whom to be conducted on behalf of Government, ...	XXIV.	VI.		
„ Judge Advocate may summon Witnesses. Provision made for examination of persons about to depart from Calcutta, ...	„	VII.		
„ Witnesses protected from arrest. Penalty for non-attendance of Witnesses, ...	„	VIII.		
„ Members of the Court how and by whom to be sworn, ...	„	IX.		
„ Judge Advocate the same, ...	„	X.		
„ Witnesses may be sworn by Oath or Solemn Declaration, ...	„	XI.		
„ Perjury how punishable, ...	„	XII.		
„ Found guilty of breach of duty, how to be punished, ...	„	XIII.		
„ Breach of duty punishable under the Penal Code of 21st December 1826, how to be dealt with, ...	„	XIV.		
„ The Penal Code to continue in force as regards the breach of duty therein specified, ...	„	XV.		
„ Superintendent of Marine may summarily decide cases as before, ...	„	XVI.		
„ On the completion of the trial, proceedings to be forwarded to the Superintendent who may send them back for revision,.....	„	XVII.		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Pilots—Sentences of the Court shall be subject to confirmation of the Government of Bengal, who may remit or mitigate the same, ...	XXIV.	XVIII.		
„ Superintendant of Marine may frame rules for conducting proceedings of the said Court, and for giving effect to the above provisions, ...	„	XIX.		
Plaints may be filed by Native Officers and Soldiers on unstamped paper—(See Native Officers and Soldiers.)				
Police Funds—(See Municipal Funds,)	.....	.....	.....	Bombay and Colaba.
Porter—(See Duties.)				
Privileges of Native Officers and Soldiers in legal matters —(See Native Officers.)				
Public Servants—Pensions of —(See Pensions.)				
R.				
Rajahmundry — (See Meriah Sacrifices.)				
Register— Duties of —to the Sudder Dewanny and Fouzdarry Adawlut—may be performed by the Uncovenanted Assistant Register thereof, ...	XII.	.....	.....	Bombay.
Registry—Deeds may be Registered in the Office of— in any District,.....	IV.	I.	.....	Presidency of Fort William.

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Registry—How shall the Register act when the whole of the property is not situated in his District, ...	IV.	II.		
„ Party registering shall be liable to pay the Fee for the copies transmitted by the Register to any other office of,	„	III.		
„ Memorial of a Deed Registered in any District to be held sufficient, ...	„	IV.		
Regulation XI. 1826—Section 5, of—Bengal Code, repealed, —(See Law Officers.)	V.	I.	.....	Presidency of Fort William.
„ IV. of 1827, Section 75, Chapter XVII. of—Bombay Code—amended, ...	VIII.	.....	.....	Bombay.
„ XIX. of 1827, Sections 16, 27 and 28, Chapter III. of—Bombay Code, repealed, ...	XI.	I.	.....	Bombay.
„ VII. of 1832, Bengal Code, so much of Clause 4, Section 5, of—as provides for the performance of the duties of Nazirs of Moonsiff's Courts by the Moonsiffs themselves and the levy of Tullubannah in those Courts—repealed,... (See Moonsiffs.)	XIV.	I.	.....	Presidency of Fort William.
„ XXVI. of 1814, Bengal Code, Clause 8, Section 14, of —shall be applicable to Nazirs in the Moonsiffs' Courts,	„	II.		
„ XV. of 1816, of the Bengal Code, declared to be still in				

force

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
force and made applicable to the Bombay Army, ...	XV.	I.	.....	General.
Regulation XXIII. of 1814, Clauses 1 and 2, Section 31, and Clause 1, Section 32 of —Bengal Code—repealed ...	XVII.	I.	.....	Bengal.
„ IX. of 1816, Clause 2, Section XXXIX. of—Madras Code, extended to Sessions Judges within the Madras Presidency as regards awarding fines in compensation to injured parties, ...	XXX.	.....	.....	Madras.
„ I. of 1820, of the Madras Code, modified, ...	XXXII.	.....	.. ...	„
„ Clauses 2 and 3, Section IV. of the above Regulation, repealed, ...	„	I.	.....	„
(See Licences.)				
Revenue—Sale of Lands for Arrears of—(See Lands.)				
Rum manufactured by European process within the Madras Presidency — (See Licences.)				
S.				
Sacrifice—Human—(See Meriah.)				
Sale of Lands for Arrears of Revenue—(See Lands)				
Security—for Costs in cases of Appeals—(See Appeal.)				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Security—no longer demandable from Public Officers for costs or performance of orders of Civil Courts in Appeals conducted on behalf of Government, ...	VIII.	.....	.....	Bombay.
Sessions Judges—Joint—under the Bombay Presidency—(See Joint Session Judges.)				
Sessions Judges within the Madras Presidency may award fines in compensation to injured parties, ...	XXX.	.....	.....	Madras.
Silk Piece Goods—(See Duties.)				
Soldiers — Native — Privileges of—in Judicial and Revenue Proceedings — (See Native Officers and Soldiers.)				
„ Articles of War for the Government of—(See Native Officers and Soldiers.)				
Soldiers—Pensions of — (See Pensions.)				
S. W. Frontier of Bengal—(See Meriah Sacrifices.)				
Spirits—(See Duties.)				
Spirituous Liquors — Licenses for the Manufacture of—by European process—(See Licenses,)	.....	.....	.....	Madras.
„ Licences for the sale of—(See Licences,)	.....	.....	.....	Calcutta.
Stamp Paper not required in legal matters in which a Native Officer or Soldier is				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
a plaintiff—(See Native Officers and Soldiers.)				
Statutes—Section 158 of 33 George 3d, Chapter 52, extended over the Islands of Bombay and Colaba, ...	XI.	II.	.....	Bombay.
Sudder Dewanny and Sudder Foujdarry Adawlut — may assign their Register's duties to their Uncovenanted Assistant Register, ... (See Uncovenanted.)	XII.	.....	.....	Bombay.
Summons—On failure to serve —Warrants may be issued by the Company's Courts to Defendants in Criminal Cases (See Warrants.)				
Supreme Court—The power of —in admitting Attorneys, extended, ... (See Attorneys.)	XIII.	.....	.....	Bombay.
„ At Madras—any one of the Judges of the—may sit apart from the other Judges for the dispatch of Criminal business at the same time when the other Judges shall be sitting, ...	XXVIII.	I.	.....	Madras.
„ May transact out of Term all business which the Court may have power to transact in Term,.....	„	II.		
T.				
Tax—(See Municipal Funds.)				

Tea

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Tea—Cultivation and Manufacture of—in Assam—(See Assam Company.)				
Term—Supreme Court at Madras may transact business out of—which it may have power to transact in term—(See Supreme Court.)				
Thread—Cotton—(See Duties.)				
Tolls on certain Canals in the N. W. P.—(See Canals.)				
Transportation for Life—Convicts under sentence of—how to be punished for committing offences—(See Convicts.)				
Tributary Mehals in Cuttack—(See Meriah Sacrifices.)				
Trinidad—Emigrants to—(See Emigrants.)				
Tullubanah in Moonsiff's Courts—(See Moonsiffs.)				
U.				
Uncovenanted Assistant Register to the Sudder Dewanny and Foujdarry Adawlut—may perform the duties of the Register, ...	XII.	.....	.....	Bombay.
Union Bank of Calcutta—The Secretary and Treasurer of the—to sue and be sued for and on behalf of the Bank, ...	XXIII.	I.	.....	Calcutta.

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Union Bank of Calcutta—Criminal proceedings may be carried on in the name of the Secretary or Treasurer for the time being, ...	XXIII.	II.		
„ Members or Shareholders may proceed against the—...	„	III.		
„ May proceed against its Members or Shareholders,...	„	IV.		
„ Schedules of names of Directors, Secretary, Treasurer and Proprietors, to be deposited in the Supreme Court, and the same to be done on all occasions of changes,.....	„	V.		
„ No actions can be brought by the—until a Schedule to the foregoing effect shall have been deposited—and until a Memorial of the names of Directors, &c., retiring from the Bank is deposited, they shall continue to be liable to action,.....	„	VI.		
„ A Memorial certified by Keeper of Records and Muniments shall be received in evidence, ...	„	VII.		
„ Decrees against the Secretary or Treasurer to have the same effect upon the property of the Bank as against the Members,.....	„	VIII.		
„ What course to be taken if the decree against the Secre-				

tary

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
tary or Treasurer be ineffectual for obtaining the full payment in satisfaction thereof, ...	XXIII.	IX.		
Union Bank of Calcutta—What course a Member shall take for reimbursing himself when executions may be issued against him, ...	„	X.		
„ Secretary or Treasurer may be witness in proceedings instituted by or against the Bank, ...	„	XI.		
„ Retired Members who have parted with their Shares may claim in Court any Dividends which may be due to them, and the Secretary and Treasurer may take the same course for any claim which the Bank may have against them, ...	„	XII.		
„ Persons restricted to one suit against the Bank when the same is pleadable in bar —and any suit for demands due to the Bank may be pleaded in bar of any other action for the same demand, ...	„	XIII.		
„ Responsibility and Obligations of the Bank to continue as before, ...	„	XIV.		
„ Application of the Act,.....	„	XV.		
Schedule.....	„	„		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
V.				
Vizagapatam—(See Meriah Sacrifices.)				
W.				
War—Articles of—(See Articles.)				
Warrants—may be issued by Company's Courts for the apprehension of defendants in criminal cases on proof of failure to serve Summons, ... (See Summons.)	X.			
Wines—(See Duties.)				
Witnesses—attendance of—not within the local jurisdiction of Moonsiffs, how to be enforced by them, ...	XVII.	II.	.....	Presidency of Fort William.
„ Moonsiffs vested with the powers of Judges for enforcing the attendance of —				
Moonsiff's orders under this Act appealable to the Judge,	„	III.		
Woollens—(See Duties.)				
Y.				
Yarn—Cotton—(See Duties.)				

W. Ridsdale, Bengal Military Orphan Press.

BENGAL SECRETARIAT LIBRARY

ACT No. I. OF 1845.

Passed by the Governor General of India in Council on the 11th of January, 1845.

An Act to amend Act No. XII. of 1841, *entitled "An Act for "amending the Bengal Code in regard to Sales of Land for "Arrears of Revenue."*

WHEREAS it is found expedient to amend the existing law for the realization of the Land Revenue:

I. It is hereby enacted, that from the last day of February 1845, the third and following Sections of Act No. XII. of 1841 are repealed.

II. And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the era, according to which the settlement and kist bundee of any Mehal have been regulated, be unpaid on the first of the following month of such era, the sum so remaining unpaid shall be considered an arrear of Revenue.

III. And it is hereby enacted, that upon the promulgation of this Act, the Sudder Board of Revenue at Calcutta shall deter-

mine upon what dates all arrears of Revenue and all demands, which by the Regulations and Acts in force are directed to be realized in the same manner as arrears of Revenue, shall be paid up in each permanently settled District or Zillah under their jurisdiction, in default of which payment the Estates in arrear in those Districts, except as hereinafter provided, shall be sold at Public Auction, to the highest bidder. And the said Board shall give notice of the dates so fixed in the official Gazettes, and shall direct corresponding publication to be made as far as regards each District, in the language of that District, in the office of the Collector or Deputy Collector, or other Officer duly authorized to hold sales under this Act, in the Courts of the Judge, Magistrate, (or Joint Magistrate, as the case may be,) Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, and at every Thannah Station of that District; and the dates so fixed shall not be changed except by the said Board by advertisement and notifications, in the manner above described, to be issued at least three months before the close of the official year preceding that in which the new date is, or dates are, to take effect.

IV. And it is hereby enacted, that in Districts not permanently settled and in the Province of Benares no sale shall take place for arrears of Land Revenue or other demands of Government without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale. Provided, that the said Board at the time of authorizing such sale shall fix the latest day on which in each case such arrears or demands shall be received.

V. Provided always, and it is hereby enacted, that no Estates shall be sold for the recovery of arrears or demands, of the

the descriptions mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall be received, shall have been affixed for a period of not less than fifteen clear days preceding the date fixed for payment, according to Section III or IV of this Act as the case may be, in the office of the Collector or other Officer duly authorized to hold sales under this Act, in the Court of the Judge within whose jurisdiction the land advertised lies, in the Courts of the Principal Sudder Ameens, and Sudder Ameens of the District, and in the Moonsiff's Court and Police Thannah of the Division in which the Estate to which the notification relates, or a part of it, is situated, the same to be certified by the receipt of the Officer at whose office such notification may have been affixed; and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, the same to be certified by the Peon or other person employed for the purpose.

First.—Arrears due from Estates in the Province of Benares.

Secondly.—Arrears due from Estates not permanently settled.

Thirdly.—Arrears other than those of the current or of the preceding year.

Fourthly.—Arrears due on account of Estates other than that to be sold.

Fifthly.—Arrears of Estates under attachment by order of any Judicial Authority.

Sixthly.

Sixthly.—Arrears due on account of Tuccavee, Poolbundee or other demands not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

VI. And it is hereby enacted, that the Collector or other Officer duly authorised to hold sales under this Act shall as soon as possible after the latest day of payment fixed in the manner prescribed in Section III or IV of this Act, issue notifications in the language of the District, to be affixed in his own office and in the Court of the Judge of the District, and to be published in the official Gazettes, specifying the Estate or Estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than fifteen or more than thirty clear days from the date of affixing the notification in the office of the Collector or other Officer as aforesaid. And except as hereinafter provided, all Estates, so specified shall on the day notified for sale, or on the day or days following, be put up to public Auction by and in the presence of the Collector or other Officer as aforesaid, and shall be sold to the highest bidder. And no payment, or tender of payment, made subsequent to sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale or after its conclusion.

VII. And it is hereby enacted, that whenever an Estate is notified for sale as provided by Section VI of this Act, the Collector or other Officer as aforesaid shall affix a proclamation in the language of the District, in his own office, and as soon thereafter as may be in the Moonsiff's Courts and Police Thannahs within which the Estate, or any part of it is situated, and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, forbidding the ryotts and under-tenants to

pay

pay rent to the defaulting Proprietor or Proprietors from the date of the day after that fixed for the last day of payment, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid after the date aforesaid.

VIII. And it is hereby enacted, that no claim to abatement or remission of Revenue unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless, after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the Estate.

IX. And it is hereby enacted, that Collectors shall, at any time before sunset of the latest day of payment receive as a deposit from any party not being a proprietor of the Estate in arrear, the amount of the arrear of Revenue due from it, to be carried to the credit of the said Estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a Proprietor of the Estate. And in case the party so depositing, whose money shall have been credited to the Estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, it shall be competent to the Judge of the Zillah in which such Estate is situated, to order the said party to be put into temporary possession of the

said Estate, subject to the rules in force for taking security in the cases of appellants and defendants. And if the party depositing whose money shall have been credited as aforesaid shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said party, which would have been endangered, or damaged by the sale of the Estate he shall be entitled to recover the amount of the deposit with interest, from the Proprietors of the said Estate.

X. And it is hereby enacted, that no Estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no Estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of Revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no Estate held under attachment by the Revenue Authorities, otherwise than by order of a Judicial Authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no Estate held under attachment by a Revenue Officer, in pursuance of an order of a Judicial Authority, shall be liable to sale for the recovery of arrears of Revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Collector at any time before the sale of an Estate shall have commenced to exempt such Estate from sale; and in like manner

it

it shall be competent to the Commissioner of Revenue at any time before the sale of an Estate shall have commenced, to exempt such Estate from sale, by a special order to the Collector to that effect in each case; and no sale of an Estate shall be legal if held after the receipt of an order of exemption in respect to such Estate. Provided, however, and it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other Officer duly authorized by Government in that behalf in the Land Revenue Cutcherry at the Sudder Station of the District, provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted, that in case the Collector, or other Officer as aforesaid, shall be unable from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry, and so on, from day to day, until he shall be able to commence upon, or to complete

plete the sale, but with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

XIV. And it is hereby enacted, that on the day of sale fixed according to Section VI of this Act, sales shall proceed in regular order; the Estate to be sold bearing the lowest number on the Towjee or registers in use in the Collector's Office of the District being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector or other Officer as aforesaid to put up any Estate out of its regular order by number, except where it may be necessary to do so on default of deposit, as provided in Section XV of this Act.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an Estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale of the Estate as the Collector may think necessary, either in Cash, Bank of Bengal Notes or Post Bills, or Government Securities duly indorsed, 25 per cent. on the amount of his bid, and in default of such deposit, the Estate shall, forthwith, be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the Estate bought by him took place, reckoning that day as one of the thirty; or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth: and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be forfeited

forfeited to Government, the Estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the Estate, or to any part of the sum for which it may subsequently be sold; and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public Revenue, and it shall be so levied and credited to the defaulting Proprietor of the Estate sold; and if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VI of this Act; and that such notification shall not be issued until the expiration of three clear days after the day on which the default shall have occurred. Provided also that payment or tender of payment by or on behalf of the Proprietor of the arrear for which the Estate was first sold and of the arrear which may have subsequently become due, if such payment or tender of payment be made before sun-set of the day preceding the day of the notification of re-sale, and after the defaulting purchaser shall have made the deposit required by Section XV of this Act, shall bar such re-sale.

XVII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI, or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise: and the Commissioner shall be competent in every

case of appeal so preferred, to annul any sale of an Estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the Proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the Proprietor, such compensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's Office, and the order of the Commissioner shall, in such cases, be final.

XVIII. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue on the ground of hardship or injustice to suspend the passing of final orders in any case of appeal from a sale and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case may annul the sale and cause the Estate to be restored to the Proprietor on such conditions as may appear equitable and proper.

XIX. And it is hereby enacted, that all sales of which the purchase money has been paid up as prescribed in Section XVI of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale, as the first of the said thirty days. And sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

XX. And

XX. And it is hereby enacted that immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid, shall give to the purchaser a Certificate of Title in the following form:

I certify that A. B. has purchased at Public Auction under Act No. I of 1845, Mehal C, and that his purchase has taken effect on and since the — day of —— (being the date of the day after that fixed for the last day of payment.)

(Signed) D. E., *Collector.*

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the Estate sold being vested in the person or persons named from the date specified: and the Collector shall also notify such transfer by written proclamation in his own Cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions within which any part of the Estate sold shall be situated, and also at the Cutcherry of the Malgoozar of the Estate, or on some conspicuous place on the Estate; and shall apply the purchase money first to the liquidation of all arrears due upon the latest day of payment; and secondly, to the liquidation of all outstanding demands debited to the Muhal in the Public accounts of the District, holding the residue, if any, in deposit on account of the late recorded Proprietor or Proprietors of the Estate sold, to be paid to their receipt on demand in the manner following: to wit, in shares proportioned to their recorded interest in the Estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of Proprietors upon their joint receipt. Provided that, if prior to payment of any surplus that may remain of the purchase money after liquidation of all Government arrears and dues to the

Proprietor

Proprietor of the Estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the Proprietor by attachment, except under precept, and in satisfaction of decrees of Court for such debts. And if the balance of purchase money have in any such case been paid away in liquidation of the Proprietor's just debts by order of any Court, and a decree shall afterwards pass for annulling the sale, the Proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

XXI. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XX of this Act, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current Public Securities, from the dates on which they were respectively paid in to the date on which the refund is actually made.

XXIII. And it is hereby enacted, that the party certified as the Proprietor of an Estate by purchase at public sale for the recovery of arrears of Revenue shall be answerable for all instal-

ments

ments of the Revenue of Government which may fall due subsequently to the *latest* day of *payment aforesaid.*

XXIV. And it is hereby enacted, that no sale for arrears of Revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a Court of Justice except upon the ground of its having been made contrary to the provisions of this Act: And except the contravention thereto shall have been declared and specified in an appeal made to the Commissioner under Section XVII of this Act, and except the action in the Civil Court be instituted within one year, from the date of the sale becoming final and conclusive as provided in Section XIX of this Act: And no person shall be entitled to contest the legality of a sale after having received any portion of the purchase money: Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

XXV. And it is hereby enacted, that in the event of a sale being reversed by a final decree of a Court of Justice, the purchase money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current Public Securities.

XXVI. And it is hereby enacted, that the purchaser of an Estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled Districts of Bengal, Behar, Orissa and Benares, shall acquire the Estate free

from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled after notice given under Section X. Regulation V. 1812, to enhance at discretion, (any thing in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said Estate, and to eject all tenants thereof, with the following exceptions:

First. Tenures which were held as Istemraree or Mocurreree at a fixed rent, more than 12 years before the permanent Settlement.

Secondly. Tenures existing at the time of the Decennial Settlement, which have not been, or may not be, proved to be liable to encrease of assessment on the grounds stated in Section LI. Regulation VIII of 1793.

Thirdly. Lands held by Khood Kasht or Kudeemee Ryotts having rights of occupancy at fixed rents or at rents assessable according to fixed rules under the Regulations in force.

Fourthly. Lands held under bonâ fide leases, at fair rents, temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified areas by a former Proprietor, for terms not exceeding twenty years, under written leases, registered within a month from their

their date. Provided that a written notice, specifying full particulars of the position, rent and area of the lands, the terms of the lease and the names of the parties shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the Public Revenue will be materially affected thereby. The exception declared in this Clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his Office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an Estate at a sale for arrears of Revenue shall be at liberty by suit in Court to set aside all such farms although the same be under written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

XXVII. And it is hereby enacted, that the purchaser of an Estate sold under this Act for the recovery of arrears due on account of the same in Districts other than those mentioned in Section XXVI, shall acquire the Estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryotts or the like settled or credited by the first engager or his representatives, subsequently to the last settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except bonâ fide leases of ground for the erection of dwelling houses

houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, water-courses, or the like purposes, which leases or engagement shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former Malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former Malgoozars from the old established rates by special favor, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the Pergunnah, Mouzah, or other local division such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

XXVIII. And it is hereby enacted, that it shall be competent to the Local Government, when it shall seem proper at any time before a sale for arrear shall have been actually made, to direct it to be made, subject to the leases, assignments, or other encumbrances, with which a Proprietor in possession, his ancestors, or predecessors may have burthened his assessed Estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct: Provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale,

sale, or there shall appear ground to apprehend, that by reason of the restriction the future realization of the Revenue will be endangered, it shall be competent to the Local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XIX of this Act, to direct the sale to be cancelled, and a new sale of the Estate to be made without other restrictions than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVI of this Act. If after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an Estate purchased with a restriction of the above description, it shall at all times be competent to the Local Government to direct that the Muhal shall be sold without any other restriction than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVI of this Act, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Local Government to direct a portion, or the whole of the excess to be paid to persons whose interests having been reserved at the first, shall become void at the second sale.

XXIX. And it is hereby enacted, that excepting Copartners of Estates under Butwarrah who may have saved their shares from sale under Sections 33 and 34. Regulation XIX. 1814, any recorded or unrecorded Proprietor or Copartner who may purchase in his own name or in the name of another the Estate of which he is Proprietor or Copartner; or who by re-purchase or otherwise may recover possession of the said Estate after it has been sold for arrears under this Act; and likewise any purchaser of

an Estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the Estate subject to all its encumbrances existing at the time of sale and shall not acquire any rights in respect to ryotts and under-tenants which were not possessed by the previous Proprietor at the time of the sale of the said Estate.

XXX. And it is hereby enacted, that arrears of rent which on the latest day of payment may be due to the defaulter from his tenants, shall in the event of a sale, be recoverable by him after the said latest day by any process except distraint which might have been used by him for that purpose on or before the said latest day.

XXXI. And it is hereby enacted, that any Collector or Officer exercising the powers of Collector, in respect to sales, shall be competent to punish any contempt committed in his presence in open Cutcherry or Office for the time being, by fine, to an extent not exceeding Co.'s Rs. 200, commutable, if not paid, to imprisonment in the civil jail for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

XXXII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV of this Act shall be held to be a contempt.

XXXIII. And

XXXIII. And it is hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa and Benares, now subject to the General Regulations, and to the Ceded and Conquered Provinces similarly subject to the General Regulations, under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the Town of Calcutta, or the Settlements of Singapore, Penang or Malacca.

Calcutta:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

Rec'd 10th Feby 45

ACT No. II. OF 1845.

Passed by the Right Honorable the Governor General of India in Council on the 18th January, 1845.

An Act for regulating the Punishment of Adultery in the Courts of the East India Company in the Territories, subject to the Presidency of Bombay.

I. IT is hereby enacted, that whenever any person shall be convicted of the offence of Adultery by any of the Courts of the East India Company within the Territories, subject to the Presidency of Bombay, such person shall be sentenced to fine, or imprisonment, or both, at the discretion of the Court, and shall not be sentenced to any other punishment whatever, any Law or Regulation to the contrary notwithstanding.

II. And it is hereby enacted, that no person shall be admitted to prosecute any woman for Adultery other than the husband of such woman, and that no person shall be admitted to prosecute any man for Adultery other than the husband of the woman with whom such man is alleged to have committed Adultery.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Hutmann.

No 10 March 1845

ACT No. III. OF 1845.

Passed by the Governor General of India in Council on the 15th February, 1845.

An Act vesting Courts of Appeal with the discretion to require or dispense with Security for Costs from the Appellant.

WHEREAS it is not now by Law necessary within the Territories subject to the Presidency of Fort William in Bengal, to take any Security for Costs in Appeals before the Sudder Courts—and whereas no Security for Costs is now required by Law in Appeals from the decisions of Moonsiffs—and whereas it is expedient that Appeals from all Courts should be put in this respect upon a uniform footing:—

It is therefore hereby enacted, that within the said Territories it shall not be necessary in any Court of Appeal of the East India Company to take any Security for Costs, but it shall be in the discretion of every such Court of Appeal to demand Security for Costs from the Appellant or not, as it shall see fit, before the Respondent is called upon to answer,—any Law or Regulation to the contrary notwithstanding. —

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. IV. OF 1845.

Passed by the Governor General of India in Council on the 1st March, 1845.

An Act to amend the Law regarding the Registration of Deeds.

I. IT is hereby enacted, that from and after the passing of this Act Deeds may be registered in any Registry Office within the Presidency of Fort William in Bengal, whether such office be in the District where the property or any part thereof to which such Deeds relate, is situated, or not.

II. Provided always, and it is hereby enacted, that when the Registry Office in which a Deed is registered is in a District in which the whole of the property to which such Deed relates is not situated, it shall be the duty of the Register of the said Office to forward to the office of the District or Districts in which the whole or any part of such property is situated, a copy of the Deed as registered and endorsed in his office, the said copies to be furnished and attested as prescribed in Clause First, Section 2, Regulation XX. 1812, and the Register of any office receiving such copy so forwarded, shall duly register the same as if it had been presented to him in the first instance by the party registering.

III. And

III. And it is hereby enacted, that for every such copy required for transmission to any office as aforesaid the party registering shall pay the usual fee, and the Register receiving the same shall duly account for the same to the several Registers, to whose offices copies may be transmitted for registry.

IV. And it is hereby enacted, that a Memorial of any Deed shall be held to be duly registered according to Law, in respect to any property which may be situated in any one District, as soon as the original Deed or a copy thereof (as the case may be) shall have been registered in manner aforesaid in the Registry Office of such District whether or not a copy thereof have been registered in all or any of the other Districts, in which the property to which the Deed relates may be situated.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. V. OF 1845.

Passed by the Governor General of India in Council on the 22d March, 1845.

An Act concerning the Examination and Appointment of Hindoo and Mahomedan Law Officers.

I. IT is hereby enacted, that Section 5, Regulation XI. of 1826, of the Bengal Code, be repealed.

II. And it is hereby enacted, that from and after the passing of this Act any person may be appointed to be a Hindoo or Mahomedan Law Officer in any of the Courts of Justice under the Presidency of Fort William in Bengal, who shall have successfully passed through such an examination as the Government of the said Presidency shall from time to time prescribe.

ACT No. VI. OF 1845.

Passed by the Governor General of India in Council on the 5th of April, 1845.

An Act to amend the Law regarding the issue of Commissions of the Peace.

WHEREAS it is inconvenient to issue a new General Commission of the Peace whenever the Executive Government of any of the Presidencies of Fort William in Bengal, Madras or Bombay shall nominate and appoint any persons not named in the General Commission last issued to act as Justices of the Peace—It is hereby enacted, that the Supreme Court of Judicature of each of the said Presidencies shall and may from time to time upon the order or warrant of the Executive Government of such Presidency, issue separate Commissions to any persons not named in the General Commission of the Peace last issued, who by law are capable of being appointed to the office of Justice of the Peace, and who shall be nominated and appointed by such Executive Government to act as Justices of the Peace within and for such Presidency and the places subordinate thereto, or within and for the Presidency Town. And all such Commissions shall be issued in the name of the Queen's Majesty, her Heirs and Successors, under the Seal of the Supreme Court, and

and tested in the name of the Chief Justice of such Court and shall be filed of record in the Court of Oyer and Terminer of the Presidency or place wherein and for which the same shall be issued, as Supplementary to the General Commission of the Peace last issued which shall remain in full force.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. VII. OF 1845.

Passed by the Governor General of India in Council on the 12th of April, 1845.

An Act for regulating the levy of Water Rent, Tolls and Dues on certain Canals for irrigation and navigation, constructed by Government in the North Western Provinces, and for the protection of the said Canals from injury.

WHEREAS numerous Canals have been constructed, and are in progress of construction at the public expense in the North Western Provinces of the Presidency of Fort William in Bengal, for the purpose of irrigation and also for navigation so far as it may be practicable to unite the two objects, and whereas it is requisite to regulate the levy of rents, tolls or dues, on such Canals, and to provide for their protection from injury—

I. It is hereby enacted, that the Lieutenant Governor of the North Western Provinces shall be competent, by proclamation to be made in the Government Gazette, to declare the Provisions of this Act applicable to any such Canal.

II. And

II. And it is hereby enacted, that the said Lieutenant Governor of the North Western Provinces shall be competent to draw out rules to regulate the levy of water rent, and the supply of water for irrigation, and the payment of tolls and dues on boats, rafts or floats, and admission to the benefits of navigation on such Canals, as may be found most suitable to the peculiar circumstances of each. The rules thus drawn out shall be published for general information in the Government Gazette.

III. And it is hereby enacted, that any acts done by private individuals in contravention of the rules so published, shall be punishable either by temporary deprivation of the benefits of the Canal, or by the penalties hereinafter described.

IV. And it is hereby enacted, that all balances of water rent due for lands irrigated by the Canal shall be levied, either by temporary deprivation of the benefits of the Canal, or by the same process as is prescribed for the recovery of balances of land revenue.

V. And it is hereby enacted, that whoever wilfully causes any obstruction to any of the said Canals, or to any of the water courses drawn and supplied therefrom, or damages the banks of the Canal or the works constructed for its maintenance, or wilfully defiles the water in the Canal, shall be liable to the penalties hereinafter described.

VI. And it is hereby enacted, that all persons offending against the provisions of this Act, or of the rules passed under this Act, shall be punishable on conviction before the Magistrate by imprisonment without labor for a term not exceeding fourteen days, or fine to an amount not exceeding Fifty Rupees,

Rupees, or both; and in default of payment of such fine, by additional imprisonment for fourteen days.

VII. And it is hereby enacted, that if the Owner of any boat, float, or raft, navigating any such Canal, shall refuse to pay the prescribed toll, it shall be lawful for the Officer charged with the levy of tolls on the Canal, to detain such boat, raft, or float, and if the toll be not paid, in the course of ten days, then it shall be lawful for the said Officer under the direction of the Superintendent of the Canal, on the 10th day after the seizure, to sell such property, or so much thereof as may be necessary, or to declare the whole confiscated; provided that in all such cases no confiscation shall be carried into effect till the circumstances have been reported to the Commissioner of the Division and his sanction obtained thereto.

VIII. And it is hereby enacted, that it shall be lawful for the Lieutenant Governor of the North Western Provinces to appoint Officers for the collection of the rent toll and dues, hereinbefore mentioned, and to confer on such Officer the powers of Deputy Collectors for the levy of such rent, and of Joint Magistrates for the enforcement of such penalties as have been hereinbefore specified.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

Rec'd 10th May 1845

ACT No. VIII. OF 1845.

Passed by the Governor General of India in Council on the 19th of April, 1845.

An Act for amending Section 75 and Chap. XVII. of Regulation IV. of 1827 of the Bombay Code.

WHEREAS it has been deemed expedient to amend Section 75 and Chapter XVII. of Regulation IV. of 1827 of the Bombay Code, under which Security for the payment of costs or the performance of the orders of a Civil Court is demanded from public Officers in cases of Appeal which are carried on under the authority and at the expense of Government:

It is hereby enacted, in modification of the Law above mentioned, that from the date of promulgation of this Act, no Security shall be demanded for the payment of costs or the performance of the orders of a Civil Court from any public Officer in cases of Appeal which are carried on under the authority and at the expense of Government in the Bombay Presidency.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

Rec'd 13 June 1845

ACT No. IX. OF 1845.

Passed by the Governor General of India in Council on the 17th of May, 1845.

An Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836 to Act I. of 1838, and to Act VI. of 1844, and for repealing Act V. of 1844.

I. IT is hereby enacted, that from and after the First day of June 1845, so much of Schedule A annexed to Act XIV. of 1836, so much of Schedule A annexed to Act I. of 1838, and so much of Schedule A annexed to Act VI. of 1844, as relates to the rates of Duty to be charged on the Goods next hereinafter specified, be repealed.

Marine Stores, the produce or manufacture of the United Kingdom or of any British Possession.

Marine Stores, the produce of any other place or country.

Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession.

Metals,

Metals, wrought or unwrought, excepting Tin, the produce or manufacture of any other place.

Woollens, the produce or manufacture of the United Kingdom or of any British Possession.

Woollens, the produce of any other place or country.

Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom or of any British Possession.

Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of any other place.

Wines and Liqueurs.

Spirits.

All manufactured Articles, not included in the enumeration contained in the said Schedules.

II. And it is hereby enacted, that from and after the said First day of June 1845, all the provisions of the three abovementioned Acts which have reference to so much of the Schedules A to those Acts respectively annexed as is repealed by this Act, shall from and after the said day be taken to have reference to the Schedule annexed to this Act, as if the Schedule annexed to this Act had been part of each of the Schedules A above mentioned.

III. And

III. And it is hereby enacted, that Act XV. of 1844, entituled an Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844, be repealed.

SCHEDULE.

Rates of Duty to be charged on the following Goods imported by Sea into any Port of the Presidencies of Fort William in Bengal, Bombay or Fort St. George.

Enumeration of Goods.	When imported on British Bottoms.	When imported on Foreign Bottoms.
Marine Stores, the produce or manufacture of the United Kingdom or of any British Possession, ...	5 Per Cent. . . .	10 Per Cent.
Ditto ditto, the produce or manufacture of any other place or country,.....	10 Per Cent. . . .	20 Per Cent.
Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession, ...	5 Per Cent. . . .	10 Per Cent.
Metals, ditto ditto, the produce or manufacture of any other place, ...	10 Per Cent. . . .	20 Per Cent.
Woollens, the produce or manufacture of the United Kingdom or of any British Possession, ...	5 Per Cent. . . .	10 Per Cent.

Woollens,

Enumeration of Goods.	When imported on British Bottoms.	When imported on Foreign Bottams.
Woollens, the produce of any other place or country,.....	10 Per Cent. . . .	20 Per Cent.
Cotton and Silk Piece Goods, and all manufactures of Cotton or Silk, except Thread, Twist and Yarn, or of Cotton or Silk, mixed with any other material, the produce of the United Kingdom or of any British Possession, ...	5 Per Cent. . . .	10 Per Cent.
Ditto, the produce of any other place, ...	10 Per Cent. . . .	20 Per Cent.
Cotton Thread, Twist and Yarn, the produce of the United Kingdom or of any British Possession, .	3½ Per Cent.. . . .	7 Per Cent.
Ditto, the produce of any other place, ...	....	14 Per Cent.
Porter, Ale, Beer, Cyder and other similar fermented Liquors, ...	5 Per Cent.	10 Per Cent.
Wines and Liqueurs, ...	1 Rupee per Imperial Gallon,	2 Rupees per Imperial Gallon.
Spirits, ...	1 Rupee and 8 Annas per Imperial Gallon,	3 Rupees per Imperial Gallon.

And

Enumeration of Goods.	When imported on British Bottoms.	When imported on Foreign Bottoms.
And the Duty on Spirits shall be rateably increased as the Strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the Imperial Gallon.		
All manufactured articles, not included in the above enumeration, ...	5 Per Cent.	10 Per Cent.

Calcutta, 1845.—Printed at the Bengal Military Orphan Press, by G H Huttmann.

ACT No. X. OF 1845.

Passed by the Governor General of India in Council on the 17th May 1845.

An Act for empowering Courts to issue Warrants in cases of failure to serve Summons.

IT is hereby enacted, that in the Territories subject to the Government of the East India Company, except the Local Jurisdiction of the Supreme Courts, whenever in any Criminal case a Summons to the Defendant is by Law the first process, it shall be lawful for any Court which has issued a Summons in such case, to issue a Warrant for the apprehension of the Defendant in such case upon proof that due diligence has been used to serve such Summons upon the Defendant, and that the Officer or other person whose duty it may be to serve such Summons upon the Defendant has been unable to serve such Summons; any Law or Regulation to the contrary notwithstanding.

Calcutta, 1845.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XI. OF 1845.

Passed by the Governor General of India in Council on the 24th of May, 1845.

An Act for the better collection, management and disbursement of certain Public Funds and Monies for Police and Municipal purposes throughout the Islands of Bombay and Colaba.

I. IT is hereby enacted, that Sections 16, 27 and 28, and Chapter 3 of Regulation XIX. of 1827, of the Bombay Code, be repealed.

II. And it is hereby enacted, that the powers of Her Majesty's Justices under Section 158 of 33 Geo. 3, Chapter 52, shall be held to extend over the whole of the Islands of Bombay and Colaba.

III. And it is hereby enacted, that any person chargeable with any rate or tax on account of any Houses, Buildings or Grounds, or of any Shop or Stall, or of any Carriages, Carts or Horses, or any other matter or thing shall upon the order of any two or more Justices make a true return in writing of the annual value of all such Buildings, Houses and Grounds, and of all such Shops or Stalls, Carriages, Carts or Horses, and other matter or thing, and any person who shall refuse or neglect to deliver such return within

eight

eight days after being required so to do, or shall wilfully make a false return, shall be liable to a fine not exceeding two hundred Rupees.

IV. And it is hereby enacted, that it shall be lawful for the Justices for the better identifying of any House or Building chargeable with any Assessment to cause a number to be painted or fixed upon such House or Building, and it is hereby enacted, that any person who shall obliterate, deface or destroy such number shall be liable to a fine not exceeding two hundred Rupees.

V. And it is hereby enacted—

1. That it shall be lawful for the Collector of Land Revenue of Bombay to make a Quarterly Assessment on each and every Shop and Stall within the Islands of Bombay and Colaba according to such rates as the said Governor in Council shall fix by Proclamation in the Government Gazette.

2. That the amount of such Assessment shall be collected by the Collector and received in the first instance by such person or persons as he may appoint, such Security having been given for the due discharge of the office as the said Collector may require, and the same liabilities and responsibilities as attach to individuals employed in the collection of Land Revenue of the said Presidency shall apply to all persons engaged in collecting the Tax.

3. That the Tax shall be collected quarterly, and for each payment made a receipt signed by the Collector shall be given by the person receiving the amount.

VI. And

VI. And it is hereby further enacted, that all religious Edifices, all temporary Houses, Bungalows, or other temporary buildings situated within the limits of Military Cantonments and occupied by European and Native Officers, or by the Soldiers and Sepoys of Her Majesty's and the Company's Army, shall be exempted from the payment of any Assessment.

VII. And it is hereby enacted, that the several Sums of Money specified under the following heads, shall in future be disbursed in the manner provided by this Act, viz.

All Sums of Money which shall hereafter be collected under the authority of—

The Statute 33d Geo. 3, Cap. 52, Sec. 158.

Rule, Ordinance, and Regulation II. of 1812, Art. 2 and 6.

Rule, Ordinance, and Regulation II. of 1813.

Proclamation dated 23d July 1817, by the Governor in Council of Bombay, of an Order of the Court of Directors, dated 29th January 1817, made under the authority of the Charter of the Court of Requests of Bombay, dated 8th January 1753, save and except the Fees thereby made payable to the Clerk of the said Court for his own benefit.

Rule, Ordinance, and Regulation I. of 1818.

Rule, Ordinance, and Regulation II. of 1827.

Regulation XIX. of 1827, C. 2, 4, 5, and 6.

Act No. XXVIII. of 1839.

And Section 5 of this Act.

All Sums of Money which shall be levied by the Court of Petty Sessions, or by the Magistrates of Police of Bombay, or by any of Her Majesty's Justices of the Peace within the Islands of Bombay and Colaba on account of any fines or penalties imposed by them for the breach of any Rule, Ordinance or Regulation, or of any Act of the Parliament of Great Britain, or of any Act of the Government of India.

All Sums of Money which shall be collected under Act V. of 1842, on the granting of any Licences for the Sale of Spirituous or other Liquors within the Town and Islands of Bombay and Colaba, after payment thereout of the expenses of such Office Establishment and of such expenses incidental thereto as may be fixed and approved by the Governor in Council of Bombay.

And all unapplied balances which at the time of the passing of this Act may be in the General Treasury to the credit of the County or Assessment Funds, or in the possession of the said Court of Petty Sessions, or of the Magistrates of Police, or any of Her Majesty's Justices of the Peace derived from any of the above enumerated sources.

VIII. And it is hereby enacted and provided, that nothing in this Act shall extend or apply to any fines imposed by the Collector of Customs of Bombay in his office and character of Collector, nor to such portion of any of the fines which the Court of Petty Sessions, or either of the Magistrates of Police may, in their discretion order, and which they are hereby authorized to order, to be paid to any Prosecutor or his Witnesses as and for compensation for loss of time, or for costs necessarily incurred by him in prosecuting the offences

offences for which such fines or penalties may have been ordered to be paid.

IX. And it is hereby enacted, that all Sums of Money which are by the said Act No. XXVIII. of 1839, ordered to be paid out of the Fund, therein called the County Fund, for the purposes in such Act specified, shall henceforth be paid out of the Fund in this Act designated the Municipal Fund.

X. And it is hereby enacted, that the several Sums of Money referred to in Section VII. of this Act, shall when collected and received, save and except so much as is otherwise provided for, be paid into the General Treasury, and form a Fund to be denominated The Municipal Fund, and such Fund shall be placed under the supervision and control of Her Majesty's Justices of the Peace in Sessions assembled, or such other persons as to the Government of Bombay may seem most fit, and that for the administering the same and carrying this Act into effect, an executive body shall be formed, which shall be denominated the Board of Conservancy, which shall be composed of Seven Members, of whom the Senior Magistrate of Police shall be Chairman, and the Collector of Bombay Ex-Officio a Member, and the other five Members shall consist of two European and three Native Resident Justices, who shall be elected by Her Majesty's Bench of Justices, or by such other persons as the Government of Bombay may appoint to supervise and control the Fund, and shall remain in office for a period of three years, when a fresh election of five other Justices to form such Board of Conservancy shall be made by the said Bench, or persons appointed for the purpose by the Government of Bombay, and so on at the end of every three years successively a like new election shall take place, but nothing shall prevent the re-election of the same Justices, or any one or more of them to form the said Board if in the discretion of the Bench, or other persons appointed to superintend

superintend and control the Municipal Fund, it shall be deemed advisable for the interests of the public, and in the event of a vacancy occurring by death or otherwise among any of the said five Members the said Bench or persons vested with the power by the Government of Bombay shall as soon as convenient elect some other Justice of the Peace to supply the said vacancy for the remainder of the three years, and until the next general election shall take place.

XI. And it is hereby enacted, that from and out of the said Municipal Fund, an Annual Sum of Rs. 45,000 shall in the first instance be deducted and paid by equal monthly instalments, and carried to the credit of the Governor in Council of Bombay in the General Treasury, to be applied by the said Governor in Council for and on account of the Expenses of the General Police throughout the Islands of Bombay and Colaba, and in the event of such expenses being at any time hereafter increased by a necessary augmentation of the Police Force, or through any other good cause, a further sum of Money, bearing the same proportion to such increased expenses of the Police aforesaid, as the sum of 45.000 bears to the present expenses of the Police aforesaid, shall be in like manner deducted and appropriated out of the said Fund.

XII. And it is hereby enacted, that after the deduction and payment of such sum of Money as aforesaid, the residue of the said Fund shall be appropriated and disbursed by the said Board under and subject to the control of Her Majesty's Justices of the Peace, or other persons appointed for that purpose by the Government, for the following purposes:

1. Defraying the expenses of the Establishments necessary for the purposes of this Act.

2. Repairing,

2. Repairing, Cleaning, Draining and Lighting the Public Roads, Streets, Bridges, Tanks, Market Places and other public places of a like kind.

XIII. And it is hereby enacted, that it shall be lawful for the said Board, with the approval of Her Majesty's Justices of the Peace, or other persons vested with that power by the Government to construct any new Roads or Streets, or other Public Works, tending to the improvement of the said Islands, connected with the comfort and health of the inhabitants thereof, which in their discretion they shall deem necessary, and for that purpose to cause Estimates and Plans to be framed and to be submitted to the Governor in Council of Bombay for his sanction, but no such new Road or Street, or other Public Work, shall be constructed without such sanction of the Governor in Council first had and obtained.

XIV. And it is hereby enacted, that it shall be lawful for the said Board, with the sanction of Her Majesty's Justices of the Peace in Sessions assembled, or with the sanction of such other persons as may be vested with the control of the Municipal Fund by the Government of Bombay to nominate and appoint, subject to the approval of the Governor in Council of Bombay:

One or more Superintendents of Repairs, Clerk to the Markets, Overseers and Scavengers, and any other Officer that may be found necessary for carrying out the purposes of this Act.

And such persons shall be under the immediate orders and control of the said Board, and shall receive such Salaries to be paid out of the said Fund as the said Justices or other authorities appointed by the Government of Bombay shall fix, and the Governor in Council of Bombay shall approve.

XV. And

XV. And it is hereby enacted and directed, that for better enabling the said Bench or persons empowered by the Government of Bombay to supervise and control the Municipal Fund, to ascertain the amount of fines payable to the said Fund from any of the sources aforesaid, there shall in every month be laid before them a summary of all convictions and punishments pronounced and determined by the said Court of Petty Sessions, or either of the Magistrates of Police or any Justice of the Peace respectively, during the preceding month.

XVI. And it is hereby enacted, that the sums authorized to be collected under the provisions of Chapter 4 of Regulation XIX. of 1827, shall in future be collected by such person as the Governor in Council shall appoint.

XVII. And it is hereby enacted, that the said Board shall bring to account all items of receipt, and shall as soon as practicable after 30th April of each year, render to the Governor in Council of Bombay and the Controlling Authorities, a Yearly Account of their Receipts and Disbursements under this Act, and the same shall be audited by such persons as the said Governor in Council shall appoint.

XVIII. And it is hereby enacted, that in the event of the body vested with the supervision and control of the Fund, rejecting any measure submitted for their sanction by the Conservancy Board, it shall be lawful for the said Board, if they see fit, to refer the subject to the Governor in Council of Bombay, whose decision thereon shall be final.

XIX. And it is hereby enacted, and declared that the terms "Police Fund," "County Fund" and "Assessment Fund," used in any Rule, Ordinance

or

or Regulation, or in any Act of the Government of India in force in the Islands of Bombay and Colaba, shall be taken to mean the "Municipal Fund" hereinbefore described.

XX. And it is hereby enacted, that all fines imposed under this Act, the recovery of which is not otherwise specially provided, shall be recovered and levied under Act No. II. of 1839.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XII. OF 1845.

Passed by the Governor General of India in Council on the 7th June, 1845.

An Act for authorizing the employment of the Uncovenanted Assistant Register of the Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay on the duties of Register.

IT is hereby enacted, that it shall be competent to the Court of Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay to assign to the office of Uncovenanted Assistant Register to the Court any duties at present performed by the Register.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XIII. OF 1845.

Passed by the Governor General of India in Council on the 28th June, 1845.

An Act for extending the power of the Supreme Court of Judicature at Bombay in regard to the admission and enrolment of persons to act as Attorneys of the said Court.

WHEREAS the Supreme Court of Judicature at Madras is by Her Majesty's Charter authorized and empowered to admit and enrol such persons having been admitted Attorneys or Solicitors in one of Her Majesty's Courts at Westminster, or being otherwise capable, to act in the character of Attorneys in the said Court:

And whereas the Supreme Court of Judicature at Bombay is by Her Majesty's Charter authorized and empowered to admit and enrol only such persons having been admitted Attorneys or Solicitors in one of Her Majesty's Courts at Westminster to act in the character of Attorneys of the said Court, and is not by the said Charter authorized and empowered to admit and enrol persons otherwise capable, to act in the character aforesaid:

And

ACT No. XIII. OF 1845.

And whereas it is expedient that the Supreme Court of Judicature at Bombay should have as large a discretion in regard to the persons to be admitted as Attorneys as the Supreme Court of Judicature at Madras:

It is therefore hereby enacted, that from and after the passing of this Act the Supreme Court of Judicature at Bombay is authorized and empowered to admit and enrol persons having been admitted as Attorneys in any of Her Majesty's Courts at Westminster and also persons being otherwise capable, to act as Attorneys of the said Supreme Court of Bombay.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XIV. OF 1845.

Passed by the Governor General of India in Council on the 12th of July, 1845.

An Act to provide for the appointment of Nazirs in the Moonsiffs' Courts.

I. IT is hereby enacted, that so much of Clause 4, Section 5, Regulation VII. of 1832 of the Bengal Code, as enacts that certain duties assigned to the Nazir of the Judge's Court shall in the Moonsiffs' Courts be performed by the Moonsiffs themselves, and that the Tullubanah levied in the Moonsiffs' Court shall only be three-fourths of what is levied in the Judge's Court, is repealed.

II. And it is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, the Moonsiffs shall from and after the passing of this Act retain on their Establishments Nazirs to whom the provisions of Clause 8, Section 14, Regulation XXVI. of 1814 of the said Code shall be applicable.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XV. OF 1845.

Passed by the Governor General of India in Council on the 16th August, 1845.

An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.

I. WHEREAS doubts have arisen whether the Regulation XV. of 1816 of the Bengal Code is still in force, or how much, if any, of its provisions is still in force:

It is therefore hereby declared and enacted, that the said Regulation and every provision thereof are still in force.

II. And whereas by virtue of Regulation VIII. of 1817 of the Madras Code, the Law for the Madras Army is the same as the Law hereinbefore declared and enacted for the Bengal Army, and whereas it is expedient and just that the Law should be the same for the Bombay Army also:

It is therefore hereby enacted, that the said Regulation of the Bengal Code is extended to the Army of Bombay, except in so far as any of its provisions may be in their own nature inapplicable to that Army.

III. And

III. And whereas it is just and reasonable to extend the privileges conferred upon Native Officers and Soldiers by the Regulations aforesaid in respect of exemption from Stamps in legal proceedings:

It is hereby enacted, that all the Courts of the East India Company shall receive Plaints in original Suits, not being Suits originating in Loans or in pecuniary transactions of a Commercial nature upon unstamped paper when the plaintiff is a Native Officer or Soldier in the Military Establishment of the Presidency of Fort William, Fort St. George, or Bombay.

IV. Provided that the value of any Stamp from which a plaintiff may be exempted by the last preceding Section shall be charged in the Decree on behalf of Government to the Party cast or to the Parties respectively in such proportions as may be deemed equitable.

V. And it is hereby enacted, that if any Native Officer or Soldier shall institute a Suit under this Act in which he is not bona fide interested or not interested to the extent alleged in the Plaint, for the purpose of enabling some other person to avail himself fraudulently of the advantages conferred by this Act, such Native Officer or Soldier shall be liable to a fine not exceeding five times the value of the stamped paper which the party interested would have required for the institution of the Suit otherwise than under this Act, such fine to be levied in the manner prescribed for the execution of decrees.

VI. And whereas by Section IV. of Act IV. of 1840 it is enacted, that if any party shall complain to a Magistrate or other Officer exercising the powers of a Magistrate, that he has been without authority of Law forcibly dispossessed of any Land, Premises, Water, Fisheries, Crops or other produce of Land within the jurisdiction of such Magistrate or other Officer as aforesaid, whether the same were possessed by such party as Proprietor, dependant Talookdar, Farmer, Under-Farmer, Ryot, or otherwise, the Magistrate

or

or other Officer as aforesaid shall require the parties complained against, and any other parties concerned to appear and make defence in person or by Agent within a reasonable time; and if after the examination of the necessary witnesses and documents the complaint appears to him to be substantiated, he shall record a proceeding ordering the party complaining to be put again into possession of the subject of dispute and maintained in possession until the right to possession be determined by a competent Court; provided that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession:

And whereas it is just that when the party complaining is a Native Officer or Soldier, a longer period than one month from the time of dispossession should be allowed for preferring his claim:

It is therefore hereby enacted, that so much of the above recited Section of Act IV. of 1840, as provides that no such order as is therein mentioned shall be passed unless the party complaining of having been dispossessed in the manner therein mentioned prefer his claim within one month from the time of such dispossession, is repealed so far as regards complaints preferred by Native Officers or Soldiers.

VII. And it is hereby enacted, that no such order as is mentioned in the above recited Section of Act IV. of 1840 shall be passed, when the party complaining of having been dispossessed is a Native Officer or Soldier unless such party prefer his claim within such period as may be considered by the Magistrate reasonable with reference to the distance of the party and the difficulty of communication.

Calcutta, 1845:—Printed at the Bengal Military Orphan, Press, by G H. Huttmann.

ACT No. XVI. OF 1845.

Passed by the Governor General of India in Council on the 16th of August, 1845.

An Act for regulating the re-admission of Appeals after dismissal under Act XXIX. of 1841.

WHEREAS the Provisions of Act XXIX. of 1841 are inconveniently severe as regards Appeals and it is expedient to mitigate the strictness thereof:

I. It is therefore hereby enacted, that whenever an Appeal in any of the Courts of the East India Company in the Presidencies of Bengal or Madras, shall after the passing of this Act have been dismissed under the Provisions of the said Act XXIX. of 1841, it shall be competent to the Court which shall have dismissed such Appeal to re-admit the same if the Appellant shall make application for that purpose on the Stamp prescribed for miscellaneous Petitions, within three months after the Appeal shall have been dismissed if dismissed by the Sudder Court, and within one month after the Appeal shall have been dismissed if dismissed by any other Court, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel or by unavoidable accident.

II. And

II. And it is hereby enacted, that it shall be competent to any of the said Courts to re-admit any Appeal which may have been dismissed before the passing of this Act under the Provisions of Act XXIX. of 1841 if the Appellant shall make application for that purpose on the Stamp prescribed for miscellaneous Petitions, within three months after the passing of this Act, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel or by unavoidable accident.

III. Provided always and it is hereby enacted, that no Appeal which has been re-admitted under this Act, and again dismissed under the Provisions of Act XXIX. of 1841, shall be again re-admitted.

Calcutta, 1845.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

BENGAL SECRETARIAT
LIBRARY

ACT No. XVII. OF 1845.

Passed by the Governor General of India in Council on the 16th of August, 1845.

An Act for the better enforcement of the attendance of Witnesses in the Courts of the Moonsiffs, within the Presidency of Fort William in Bengal.

I. IT is hereby enacted, that Clauses 1 and 2, Section XXXI. and Clause 1, Section XXXII. of Regulation XXIII. of 1814, of the Bengal Code, are repealed.

II. And it is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, if any Moonsiff shall require the evidence of a person not within his local jurisdiction, and such person shall not attend at the requisition of the parties, the Moonsiff shall issue the necessary process for procuring the attendance of such person and send the same to the Moonsiff within whose local jurisdiction such person is, who shall endorse such process and cause it to be duly served and executed.

III. And it is hereby enacted, that within the said Territories all powers now exercised by Zillah Judges for enforcing the attendance of any person

person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts, shall from and after the passing of this Act, be exercised by Moonsiffs for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts.—Provided that all orders passed by Moonsiffs under this Act shall be subject to an appeal to the Zillah or City Judge, whose decision thereon shall be final.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XVIII. OF 1845.

Passed by the Governor General of India in Council on the 23d of August, 1845.

An Act for the punishment of offences committed by Convicts sentenced to imprisonment for life.

WHEREAS it is expedient that offences committed by Convicts sentenced to imprisonment for life, should be punished with greater severity than such offences are punished with in other cases:

I. It is hereby enacted, that within the Territories subject to the Government of the East India Company, except within the local limits of the jurisdiction of the Supreme Courts, and except within the Settlements in the Straits of Malacca, any Convict sentenced to imprisonment for life, or to transportation for life who does any act with the intention of thereby causing, or with the knowledge, that he or she is likely thereby to cause the death of any person, shall, upon conviction thereof, before the Sessions Court, subject to confirmation by the Sudder Court, be punished with death, or with transportation for life, or with Corporal punishment not exceeding

39 stripes, whether such Convict does or does not by such act cause the death of any person.

II. And it is hereby enacted, that any such Convict as aforesaid who commits any offence whatever other than the offences mentioned in the preceding Section, or who is guilty of violent or disorderly conduct after having been punished by the order of the Superintendent of the Jail, in which he or she is confined, shall, upon conviction thereof, before the Sessions Court subject, if the Sentence be transportation for life, to confirmation by the Sudder Court, be punished with transportation for life, or with Corporal punishment not exceeding 39 stripes.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huffnagle.

ACT No. XIX. OF 1845.

Passed by the Governor General of India in Council on the 30th August, 1845.

An Act for incorporating the Assam Company.

WHEREAS it hath been discovered, that there are in the British Province of Assam and other the North Eastern parts of India, numerous and extensive tracts of country producing the genuine Tea Plant, and it has been ascertained that the soil and climate are in all respects adapted for the cultivation of the Tea Plant on an extensive scale:

And whereas it is considered, that the cultivation and manufacture of Tea in India will be of great national importance and benefit, as well to the United Kingdom as to the British Territories in India, and the same may be advantageously prosecuted on a scale beyond the resources and enterprize of individual Capitalists, and a Society or Company hath been lately formed for the purpose of prosecuting and extending the said culture and manufacture with a Capital of Company's Rupees 50,00,000 in 10,000 Shares of Co.'s Rs. 500 each, and certain grants of land have been already made to the said Company in Assam and the North East parts of India aforesaid, and Establishments have been formed by the said Company for the purposes of the said culture and manufacture, and are now in operation:

And

And whereas the whole 10,000 Shares have been subscribed for and appropriated, and the Proprietors have actually paid up Company's Rupees 20,00,000 of the said Capital of Company's Rupees 50,00,000, and the several Subscribers are willing at their own expense to carry on the said culture and manufacture, and it would tend much to the convenience and advantage as well of the said Subscribers as of the public, that they should be incorporated in the manner hereinafter mentioned and provided:

And whereas it is considered, that there are in Assam other articles and products of indigenous growth, or to which the soil and climate are also adapted, the culture and preparation of which may be carried on with great advantage and profit by the said Company as incidental to, or in connection with their Tea cultivation and establishment, and whereas it is desirable that provision should be made for enabling the said Company if they shall think fit to avail themselves thereof, and for enabling them to increase their Capital Stock:

And whereas several of the persons hereinafter named had been appointed and acted as a Provisional Committee for the purpose of forming and establishing the said Company and commencing the business thereof, and the said Company has since been constituted under the provisions of a Deed of Association, bearing date the 31st day of January 1840, and made between the several persons whose names are thereunder subscribed, and whose seals are thereunto affixed, (except the several persons, parties thereto of the second and third parts) of the first part, Sir William Baynes, Baronet, Richard Twining, Thomas Weeding, John Alliston, Andrew Henderson, Francis Fox and William Cracroft, therein respectively described of the second part, and Sir George Gerard de Hochipied Larpent, Baronet, John Small, Alexander Rogers, Foster Reynolds, John Travers, William Manning, William R. Robinson and Ross Donnelly Mangles, therein also respectively described, of

the

the third part, and under which Deed the business of the said Company has been commenced and carried on, and whereas in such Deed provision was made for confirming the several Acts, Deeds, Matters and Things executed and performed by the Provisional Committee in that capacity :

And whereas it is expedient that like provision should be made herein, and also provision for vesting, continuing and establishing in, for, and against the Corporate Body hereby created after (and notwithstanding their Incorporation) all such property, rights, contracts and liabilities whatever as the said existing Society or Company are, or but for such Incorporation would be possessed of, entitled or liable to :

I. It is therefore hereby enacted, that James Pattle, Charles Hay Cameron, Dwarkanauth Tagore, William Prinsep, Alexander Rogers, Henry Barclay Henderson, James Prinsep, Edward Harding, James Colquhoun, James Church, Henry Chapman, John Lowis, John Farley Leith, Thomas Charles Morton, Mutty Lall Seal, William Richard Young, James Young, Archibald Sconce, Richard Walker, Henry Meredith Parker, Edward Cockburn Ravenshaw, Charles Raikes, John Storm, George Shearwood, James Charles Colebrooke Sutherland, Samuel Smith, John Deans Campbell, John Carrington Palmer, William Soltan Pillans, Prosunno Coomar Tagore, Ramanath Tagore, Cuthbert Bensley Thornhill, Thomas Scott, Thomas Sewell, Francis Dashwood, Charles Dundas Mitchell, Alexander Garroch Mackenzie, Henry Augustus Woollaston, Francis P. Mendes, William Henry Jones, Peter Innes, Robert John Lattey, Jenkins Llewelyn, John Jenkins, Arthur Pittar Lattey, Andrew Henderson, John Grant, Alexander Garden, William Cobb Hurry, Henry Holroyd, Robert Becher, Daniel Eliott, Edward Garstin, John Becher, James Cullen, Thomas Hyde Gardiner, Donald McLeod Gordon, William Henry Harton, Thomas Henry Hockley, J. M. Hill, Thomas Bracken, John Carr, Theodore Dickens, Charles Deverinne, William Pringle Downing, John Calder, Henry

Henry Burkinyoung, Charles John Burkinyoung, Roderick Mackenzie, John Williamson Macleod, John Muller, E. Elphinstone, J. D. Mullins, Richard Bird, Alfred Parker, C. J. Pittar, Henry Piddington, George Rogers, William Rushton, James Sydny Stopford, Robert Scott Thomson, C. A. Vertannes, William Greenway, R. S. Homfray, Francis Augustin, Richard J. Chambers, Aga Mahomed Ibrahim, Bissonauth Muttyloll, Brijonauth Dhur, Doorgachurn Dhur, Additchund Dutt, Gooroopersaud Bose, Gourmohun Gossain, Hadjee Mirza Mehdi Ispahanee, Luckinarain Dutt, Megnarain Roy, Muddenmohun Chatterjee, Nubkissen Sing, Nilcomol Ghose, Prawnkissen Law, Prawnkissen Bagchee, Rajah Radacant Deb, Radamadub Dutt, Ramchand Dhur, Rajchunder Mookerjee, Rajbullub Seal, Radacant Mitter, Shaik Allum Ullah, Sreecant Bannerjee, Seetanauth Bose, Woomachurn Bhose, and all other persons and corporations who have subscribed to, or shall hereafter subscribe towards the said undertaking, and their several and respective Successors, Executors, Administrators and Assigns shall be, and they are hereby united into a Company for the purposes herein declared, and shall constitute and be one Body Corporate by the name and style of the "Assam Company," and by that name shall have perpetual succession, and a Common Seal and by that name shall and may sue and be sued.

II. And it is hereby enacted, that it shall be lawful for the said Company to carry on, prosecute and extend the cultivation of the Tea Plant in the lands, which have already been granted to the said Company in Assam and the North East parts of India aforesaid, and to manufacture and dispose of the Tea the growth thereof, and generally to carry on the business of cultivating the Tea Plant, and manufacturing or preparing the same for sale and exportation, and for such purposes to take and hold or make any such grants, leases or purchases, or other acquisitions of land in perpetuity, or for any term of years as the Governor General in Council shall approve, such approval to be signified in writing under the hand of one of the Secretaries to the Government

Government of India, and if requisite to sell, dispose of and alienate the same respectively, and to form, erect and make all such establishments, buildings, works and conveniences as the said Company shall think proper, and generally to use all such other ways and means as to the said Company shall seem meet for carrying into effect the objects aforesaid; and also (if they shall deem it advisable) to engage in or prosecute the cultivation, manufacture or preparation of all and any such other products and articles as may be found expedient for, or incidental, or assistant to the production of Tea. Provided always that the said Company shall not engage in or prosecute the cultivation, manufacture or preparation of Opium, Coffee or Sugar.

III. And it is hereby enacted, that the Capital of the said Company shall consist of Company's Rupees 50,00,000, to be contributed in 10,000, Shares of Company's Rupees 500 each, which shall be the original Capital of the said Company, and of such further sum as may be raised by the creation and sale of new Shares as hereinafter provided for. Provided always that it shall and may be lawful for the said Company at any time, and from time to time to encrease the Capital of the said Company to any amount not exceeding One Crore of Company's Rupees altogether by the issue of fresh Shares of Company's Rupees 500 each upon such terms as to them shall seem fit.

IV. Provided always and it is hereby enacted, that it shall not be lawful for the said Company to raise money by way of loan to a greater amount than one-fifth of the Capital of the said Company.

V. And it is hereby enacted, that all and every the Grants of Land already made, obtained or contracted for by the said Society or Company in the names of any Directors or Director therof, or of any person or persons, and the plantations and works made and erected thereon and the produce thereof, and all offices, warehouses, and buildings, and all articles whatsoever upon or appertaining

ing thereto, or used therewith, and all property, real and personal, goods, articles and things whatsoever purchased, taken, bought, grown, produced or otherwise acquired for the purposes of the said Company, and all the estate, right, title and interest whatsoever therein both at Law and in Equity to all intents and purposes shall henceforth vest in and belong to the said "Assam, Company," and their successors in their corporate capacity, and that no individual Subscriber or Shareholder thereof shall as such have or pretend to any estate, ownership or right of property therein.

VI. And it is hereby enacted, that the said Company shall have full power to make and constitute any Bye Laws, Rules and Regulations not repugnant to Law or to this Act for and relating to the government and affairs of the Company, and for the government and guidance of the Directors and Officers, and from time to time to rescind, alter and vary the same, and that the provisions of the said Deed of Association shall until duly altered or abrogated constitute and be deemed the first Bye Laws, Rules and Regulations of the said Company, and shall have and take effect as such so far and in such particulars as the same are not repugnant to Law or to this Act.

VII. Provided always and it is further enacted, that nothing herein contained shall be construed to render all or invalid any General or other Meeting of the said Company, or of the managing body thereof, or any election, resolution, or other proceeding whatsoever held, made or passed thereat by reason of the same being held in pursuance of the said Bye Laws, Rules and Regulations so contained in the said Deed of Association.

VIII. And it is hereby enacted, that a General Meeting of the said Company shall be held at the principal office or place of business of the said Company at Calcutta twice at the least in every year and oftener, when and if need shall be, the time of holding which periodical Meetings, and the form

and

and mode of requisition for holding special or extraordinary Meetings, and of advertizing and giving notice thereof respectively shall be settled and determined by Bye Law or Rule of the said Company. And that at all such General Meetings, whether periodical or special, every Proprietor holding 5 Shares and less than 20 Shares, shall be entitled to 1 vote, 20 and less than 50 Shares, to 2 votes ; 50 and less than 100 Shares to 3 votes, 100 Shares and upwards, to 4 votes, but that no Proprietor shall be entitled to vote who shall not hold at least 5 Shares, provided, however, that except as to the present Proprietors of the said Company and the Shares now held by them only the Shares in respect of which any Proprietor shall claim to vote shall have been held for such period of time as is or shall be required by Bye Law of the said Company, provided always and it is hereby enacted that votes given by proxy according to any Bye Law, Rule or Regulation of the said Company shall be deemed to be as valid and effectual as if given in person.

IX. And it is hereby enacted, that at such periodical Meetings as aforesaid, the Books and Accounts of the said Company shall be produced and exhibited for the inspection, examination and approval of the Subscribers or Shareholders at large, and that at each of such periodical Meetings there shall be produced and presented by the Directors or other Officers of the said Company for the time being a true account in abstract and balance sheet shewing the whole of the receipts and disbursements and operations of the said Company commencing from the date of their next preceding periodical Meeting and Account brought down to the date of holding such periodical Meeting at which the same shall be produced, or as near thereto as conveniently may be, and that such abstract account and balance sheet when examined, approved or passed by such or any subsequent Meeting shall immediately be published in the Government Gazette of Calcutta, and in two public Newspapers of general circulation at Calcutta aforesaid.

X. And

X. And it is hereby enacted, that all payments already made on account of the Shares subscribed for in the said Company shall be deemed valid and effectual payments, and are hereby acknowledged and confirmed.

XI. And it is hereby enacted, that a Certificate signed by three Directors of the said Company shall be delivered to every Proprietor or Shareholder of the said Company, and that any Share of the said Company shall be transferable by indorsement made on the Certificate representing such Share or Shares respectively by the holder thereof, provided that such indorsement shall specify the name of the party to whom such transfer is made; Provided always that no such indorsement shall be effectual to transfer any Share or Shares until the transfer shall have been registered in a registry to be kept for that purpose at the Principal Office in Calcutta of the said Company, and until a note of such registration and of the date thereof shall have been made on the back of the indorsed Certificate under the hand of the Secretary of the said Company for the time being, or of such other Officer as shall be appointed by the said Company for that purpose.

XII. And it is hereby enacted, that the Shares of and in the said Company shall, as between the several Proprietors thereof, and their real and personal representatives, and all other persons claiming under them, be deemed to be personal Estate to all intents and purposes whatsoever, and be transmitted and transmissible and disposed of accordingly.

XIII. And it is hereby enacted, that for the purpose of satisfying any demands upon the said Company, or for the purpose of raising any further Capital that shall become requisite for the purposes aforesaid, the several Subscribers or Shareholders shall pay up the whole or any part of the unpaid amount of their respective Shares by instalments to be called for by such persons in such manner, and to be paid at such times and places and manner as shall be

appointed

appointed for that purpose by any Bye Law or Regulation of the said Company.

XIV. And it is hereby enacted, that it shall be lawful for the said Company by Bye Law or Rule to provide that if any such instalment be not paid on or before the day fixed for the payment thereof, interest after any legal rate to be appointed by such Bye Law or Rule shall be paid upon such instalment from such day up to the day when the same shall be actually paid, and the amount of any such call with interest shall be a debt due to the said Company, and it shall be lawful for the said Company in like manner to make any provision or provisions for the forfeiture of any Share or Shares on the non-payment of any such instalment and interest or the restoration of any forfeited Share or Shares. Provided that no such forfeiture shall be incurred until after default shall have been made for at least three calender months.

XV. And it is hereby enacted, that the said Company shall have the benefit of and shall be bound by all the Contracts, Acts, Deeds, Matters and Things which up to the passing of this Act have been done, executed and performed by the Provisional Committee, or the Partnership Association constituted under the said Deed of the 31st January 1840, and hitherto known as the Assam Company for the purpose of forming and establishing the said Company, or by, or with their or any of their order, direction or sanction in regard thereto, or to the business, or the funds, or property thereof, or in any wise relating thereto. And the said Company shall and may in manner hereinmentioned and provided in that behalf, sue and be sued thereon, and in respect thereof, and shall have and be subject to the like rights and liabilities in respect thereof, as the said Partnership Association or the Members thereof would have been.

XVI. And

XVI. And it is hereby enacted, that a copy of the Original Deed of Association of the said Company, and copies of all Rules, Orders, Bye Laws, Regulations or Proceedings of the said Company, or other Instruments whatsoever, whereby any change shall at any time be made by the authority of the said Company in the provisions of the said Original Deed of Settlement shall be kept at the Office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said Office, and a copy of such Original Deed of Settlement, and a copy of each such Rule, Order, Bye Law, Regulation, Proceeding or Instrument as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such Rule, Order, Bye Lav, Regulation, Proceeding or Instrument hereafter to be made, in the Office of the Prothonotary of the Supreme Court of Judicature at Fort William aforesaid, and shall be there filed, and be and remain open to the inspection of all persons during the usual hours of such Office, and an examined copy of each such filed copy as aforesaid certified by and under the hand of the Prothonotary for the time being of the said Supreme Court shall be good and sufficient evidence of each such Original Deed, Rule, Order, Bye Law, Regulation, Proceeding or Instrument in all Actions, Suits and Proceedings whatsoever, whether Civil or Criminal, to be had in any Court of Justice, or before any Magistrate or other Officer whether acting judicially, or in any proceeding preliminary to a judicial enquiry throughout the Territories for which the Governor General in Council has power to legislate.

XVII. And it is hereby enacted, that the said Company shall cause the name of each and every Director of the said Company, and also the name and proper official description of each and every Officer of the said Company, and of every person acting and officiating for the time being as such Officer to be entered in a book to be kept at the said Principal Office in Calcutta of the said Company, to be there open to the inspection of all persons during

the

the usual hours of business of the said Office, and shall also within six months from the time of passing this Act cause a Memorial of the said names and descriptions respectively to be enrolled in the said Office of the Prothonotary of the said Court, and a fresh Memorial thereof to be from time to time enrolled as often as any change or changes shall be made or take place either in the Direction aforesaid or in any of the said Offices.

XVIII. And it is hereby further enacted, that the said Company shall cause the names, places of residence, and descriptions of the business, profession or employment of the Proprietors of Shares in the said Capital Stock, and the number of Shares held by each Proprietor, to be registered in a book and numbered in a regular consecutive series beginning with No. 1, and such book shall be kept at the said Office in Calcutta of the said Company, and shall there be open to the inspection of all persons during the usual hours of business, and each successive transfer or change of Ownership in any Share or Shares shall be entered in the manner above mentioned with the like particulars above mentioned in the said book, and against the original entry of such Share or Shares shall be entered a note of every such change of Ownership or transfer, with a sufficient reference to the place or places in such book wherein is or are made the entry or entries of the name or names, place or places of residence and descriptions of the Proprietor or Proprietors to whom or in whose favor such transfer or change, transfers or changes shall have been made or had from time to time as aforesaid.

XIX. And it is hereby enacted, that the said Company shall sue and be sued, and described in and by its said corporate name and not otherwise in all proceedings whatsoever, whether Civil or of a Penal or Criminal character, and whether the same be the proceedings of any Court, or of any Magistrate or other Officer executing any enquiry either preliminary to, or in the nature of a judicial investigation or enquiry, and shall for all purposes of jurisdiction be

capable

capable of suing and proceeding, and be liable to be sued and proceeded against in its said corporate name, character and capacity in and before any such Court, Magistrate or Officer within any of the Territories for which the Governor General in Council has power to legislate in respect of all matters and things over which such Court, Magistrate or Officer respectively may have jurisdiction, and to the extent of such jurisdiction in like manner as the same may for the time being be there had by or against any British subject or subjects within the said Territories ; Provided always that no process or proceedings whatsoever whether of a mesne or judicial nature shall be had against the person or property of any individual Members, Shareholders or Subscribers of the said Company either for the purpose of giving notice of any suit or proceeding, or of effecting any appearance to any suit or proceeding, or of obtaining payment or satisfaction of any debt, claim or demand against the said Company, or of levying any fine or penalty awarded against the said Company, or of obtaining payment or satisfaction of any judgment, decree, award, order or determination against the said Company, or for any the like purpose, but that all such process and proceedings of what nature soever shall be had solely against the Corporate Stock, Property and Effects of the said Company.

XX. And it is hereby enacted, that all services of mesne process, and all notices whatsoever which by law, or by the practice of any Court wherein the said Company shall sue or be sued, are required to be served or given for the purpose of compelling or causing an appearance to be entered in any suit, or for enabling a proceeding to be had exparte in the absence of a party to a suit or previously to the institution of any suit or proceedings, or for any other purpose whatsoever connected with or having reference to the continuation, conduct or prosecution of any suit, or the revival of the same, or which shall at any time be directed to be given by any such Court to the said Company in reference to any proceedings therein pending shall and may be made and given in addition to all ways and means by which the same may otherwise

be

be legally made or given upon, or to the Secretary for the time being of the said Company resident in Calcutta, or the person or persons acting and officiating as such, or by leaving the same addressed to the said Secretary or person acting and officiating as such at the said Principal Office in Calcutta of the said Company.

XXI. And it is hereby enacted, that this Act shall continue in force until the 30th day of April, 1854.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XX. OF 1845.

Passed by the Governor General of India in Council on the 6th of September, 1845.

An Act providing Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company.

WHEREAS by an Act passed in the third and fourth years of the reign of His Majesty King William the Fourth, intituled an Act for effecting an arrangement with the East India Company and for the better government of His Majesty's Indian Territories till the Thirtieth day of April, One Thousand Eight Hundred and Fifty-four, it was amongst other things enacted, that it should be lawful for the Governor General of India in Council, from time to time, to make Articles of War for the government of the Native Officers and Soldiers in the Military Service of the Company, and for the administration of justice by Courts Martial to be holden on such Officers and Soldiers, and such Articles of War from time to time to repeal or vary and amend, and that such Articles of War should be made and taken notice of in the same manner as all other the Laws and Regulations to be made by the said Governor General under the said Act, and should prevail and be in force and should be of exclusive authority over all the Native Officers and Soldiers in the said Military Service, to whatever Presidency such Officers and Soldiers might belong or wheresoever they might be serving: provided nevertheless that until such

ACT No. XX. OF 1845.

Articles of War should be made by the said Governor General in Council, any Articles of War for or relating to the government of the Company's Native Forces, which at the time of the said Act coming into operation should be in force and use in any part or parts of the Territories under the Government of the said Company should remain in force:

It is hereby enacted, in pursuance of the above recited authority, that following Articles of War shall, from and after the Seventh day of October, 1845, be the Articles of War for the government of the said Native Officers and Soldiers in the Military Service of the said Company, and for the administration of justice by Courts Martial to be holden on such Officers and Soldiers.

ARTICLES OF WAR.

SECTION I.

Of Inlisting and Discharges.

Every Recruit, prior to being enrolled in his Regiment, shall have the First Four Articles of the Second Section of these Articles of War read and explained to him, after which such Declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Native Officers and Soldiers, and an oath or declaration shall then be required from him, according to the forms of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

* Article 2.

No Commissioned Officer shall be dismissed except by the Sentence of a General Court Martial. No Non-Commissioned Officer or Soldier shall be discharged as a punishment except by the Sentence of a Court Martial, or by order of the Commander in Chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided that no Sentence of discharge awarded by a Court Martial inferior to General shall be carried into effect without the concurrence of the Commander in Chief, or the General or other Officer Commanding the Division, Field Force, District or Brigade, in which the Prisoner may be serving. Provided also, that the Governor General in Council in his executive capacity, and the Governor in Council of any Presidency to which a Commissioned or Non-Commissioned Officer or Soldier may belong, shall have power to order his dismissal or discharge.

Article 3.

All Non-Commissioned Officers and Soldiers discharged the Service, shall be furnished by the Com[illegible] of the Regiment with a Discharge Certificate, made out in the Vernacular Language of the individual discharged, with an English Translation, expressing the authority for, and cause of, such discharge, and the period of his entire Service in the Army.

* Article 4.

No Non-Commissioned Officer or Soldier shall enlist himself in any other Regiment without a regular discharge from his former Regiment, under the penalty of being reputed a Deserter, and suffering accordingly.

SECTION II.

Crimes and Punishment.

Crimes punishable with death, transportation, corporal punishment, imprisonment or dismissal.

ARTICLE 5.

Any Officer, or Soldier, who shall begin, excite, cause, or join in any Mutiny or Sedition in the Regiment or Corps to which he belongs, or in any other Corps or Regiment whatsoever, on any pretence whatever; or who, being present at any Mutiny or Sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any Mutiny, intended Mutiny, or concealed combination against the State, shall not without delay give information thereof to his Commanding Officer; —— or

ARTICLE 6.

Who shall strike his Superior Officer, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence, against him; whether on or off duty, and under all circumstances in which his Superior Officer may be distinguishable as such in any manner; —— or

ARTICLE 7.

Who shall disobey any lawful Command of his Superior Officer; —— or

ARTICLE 8.

Who shall desert from the East India Company's Service, (whether or not he shall re-enter or re-enlist in the same;) —— or

ARTICLE 9.

Who being a Sentry, in time of War or alarm, shall sleep upon his post, or shall leave it before regularly relieved or without leave; —— or

ARTICLE 10.

Who shall shamefully abandon or deliver up any Garrison, Fortress, Post or Guard, committed to his charge, or which it was his duty to defend; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post or Guard; —— or

ARTICLE 11.

Who shall treacherously make known the watchword to any person not entitled to receive it, according to the Rules and Discipline of War; —— or

ARTICLE 12.

Who shall hold correspondence with or give intelligence to the Enemy or any person in arms against the State, either directly or indirectly; or who, coming to the knowledge of such correspondence or communication, shall not discover it immediately to the Commanding Officer; —— or

ARTICLE 13.

Who shall directly or indirectly assist or relieve the Enemy, or persons in arms against the State, with money, victuals or ammunition; or shall knowingly harbour or protect any Enemy or Person in arms against the State; —— or

ARTICLE 14.

Who shall treacherously release, wilfully aid, or connive at the escape of any Enemy or Person in arms against the State, placed as a Prisoner under his charge; —— or

ARTICLE 15.

Who shall misbehave himself before the Enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave; —— or

ARTICLE 16.

Who shall in presence of an Enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition; —— or

ARTICLE 17.

Who shall leave his Commanding Officer, or his Post, or Colours, or Party, in time of action, to go in search of Plunder; —— or

ARTICLE 18.

Who in time of War shall do violence to any person bringing provisions or other necessaries to the Camp or Quarters of the Forces; or shall force a Safeguard; or break into any house, or other place for plunder; or plunder fields or gardens or other property; —— or

ARTICLE 19.

Who in time of War shall by discharging Fire Arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms, in Action, Camp, Garrison or Quarters; —— or

ARTICLE 20.

ARTICLE 20.

Who shall without proper authority release any State Prisoner, or through carelessness or neglect shall suffer any such Prisoner to escape; —— or

ARTICLE 21.

Who, being a Sentry placed over any State Prisoner, or over Treasure, or over a Magazine or Dock Yard, shall quit his Post without being regularly relieved or without leave, or shall sleep upon his Post; ——

Shall, if an Officer, on conviction, suffer Death, or Transportation for life, or be dismissed the service.

And, if a Soldier, shall, on conviction, suffer Death, or Transportation for life; or imprisonment with or without hard labour, for life or for any term of years: and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less number than such periods of solitary confinement; or shall suffer Corporal Punishment; or dismissal from the Service; as by a General Court Martial shall be awarded.

Crimes not punishable with Death or Transportation.

ARTICLE 22.

Any Officer or Soldier who shall in operations in the field, spread Reports by Words or Letters calculated to create unnecessary alarm in the Troops, or in the vicinity, or in rear of the Army; —— or

ARTICLE 23.

ARTICLE 23.

Who shall, in Action or previously to going into Action, use words tending to create Alarm or Despondency ; —— or

ARTICLE 24.

Who shall be drunk when on or for duty or on Parade or on the Line of March ; —— or

ARTICLE 25.

Any Soldier who shall be grossly insubordinate or insolent in the Ranks; or grossly insubordinate and violent in the presence of a Court Martial;

Shall, if an Officer, on conviction, be sentenced to be dismissed the Service, or to be suspended from Rank and Pay and Allowances ;

And, if a Soldier, shall on conviction before a General, or District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be Sentenced to Death, or Transportation, or Imprisonment with Hard Labour.

ARTICLE 26.

Any Officer who shall behave in a manner unbecoming the character of an Officer ; (the fact or facts whereon the charge is grounded being clearly specified therein ;) —— or

ARTICLE 27.

Any Officer or Soldier, who being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority; —— or

ARTICLE 28.

Who shall advice or persuade any other Officer or Soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and entertain any Deserter, and shall not immediately on discovery give notice to his Superior Officer; or shall not cause such Deserter to be apprehended by the Civil Power; —— or

ARTICLE 29.

Who shall obtain or attempt to obtain for himself, or for any Officer or Soldier, or for any other person whatsoever, any Pension or Allowance, by any false Statement, Certificate or Document, or by the omission of the true Statement, or Certificate, or Document; —— or

ARTICLE 30.

Who shall knowingly make a false Return or Report, to any his Superior Officer authorized to call for a Return or Report, of the state of the men under his Command, or of Arms, Ammunition, Clothing or other Stores thereunto belonging, or of which he may have charge; —— or

ARTICLE 31.

Who shall malinger, feign, or intentionally produce disease or infirmity; or intentionally delay his cure; or intentionally aggravate his disease or infirmity; —— or

ARTICLE 32.

Who, at any post, or on the march, shall illegally and against the will of the parties extort money or property of any description, as fees or duties, or on any pretence whatever; or shall, without authority, exact from Villagers or others, carriage, porterage, or provisions; —— or

ARTICLE 33.

Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons; —— or

ARTICLE 34.

Who shall, without orders, commit any waste, or spoil, or plunder, or shall injure or destroy any property; —— or

ARTICLE 35.

Any Soldier who shall, contrary to orders, when off duty, appear in or about Camp or Cantonments, or on occasion of visiting Towns or Bazars, carrying a sword, bludgeon, or other weapon; —— or

ARTICLE 36.

Who shall sell, pawn, or designedly, or through neglect, lose or injure his horse, arms, clothes, accoutrements, or regimental necessaries; or any of the above articles entrusted or belonging to any other Soldier; ——

Shall, if an Officer, on conviction, be sentenced to be Dismissed the Service, or to be Suspended from Rank and Pay and Allowances.

And,

And, if a Soldier, shall, on conviction before a General, District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided that such Offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Crimes punishable with Fine or loss of Pay, in addition to other Punishments.

ARTICLE 37.

Any Officer, or Soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any Military purpose; or any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall wilfully spoil such property or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication; ——

Shall, on conviction before a General Court Martial, be dismissed the service, and fined to the extent of his arrears of Pay and Allowances; and be further liable to suffer imprisonment with or without hard labour for a term which may extend to three years, and with or without solitary confinement to be regulated as aforesaid.

ARTICLE 38.

Any Soldier who shall be guilty of *disgraceful conduct*;

In wilfully maiming or injuring himself, or any other Soldier at the instance of such Soldier, with intent to render himself or such Soldier unfit for the Service, or with intent to take his own life; —— or

ARTICLE 39.

In purloining or selling Government Stores; —— or

ARTICLE 40.

In stealing money or goods, the property of a Soldier, or of a Military Officer, or of any Military Mess, or of any person or persons belonging to or serving with or attached to the Army; —— or

ARTICLE 41.

In embezzling or fraudulently misapplying public money entrusted to him for any Military purpose; —— or

ARTICLE 42.

In committing any petty offence of a fraudulent nature, to the injury of or with intent to injure any person, Civil or Military; —— or

ARTICLE 43.

Who shall be guilty of any other *disgraceful conduct*, being of a cruel, indecent, or unnatural kind;

Shall, on conviction before a General, or District, or Garrison Court Martial, be liable to suffer such punishments as any such Courts are by these Articles of War respectively empowered to award for *disgraceful conduct.*

And every such offender shall, if not dismissed the service, further be put under stoppages, by sentence of the Court, not exceeding half of his monthly Pay and Allowances; until the amount be made good of any loss or damage arising out of his misconduct.

And

And if such offender shall be dismissed the service, he shall further be sentenced to forfeit his arrears of Pay and Allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes not punishable with Corporal Punishment or Imprisonment with Labor.

ARTICLE 44.

Any Officer, or Non-Commissioned Officer who shall strike or otherwise illtreat any Soldier; —— or

ARTICLE 45.

Any Sentry who in time of peace shall sleep upon his Post, or shall leave it before regularly relieved or without leave; —— or

ARTICLE 46.

Any Officer, or Soldier, who shall knowingly enlist a Deserter, or connive at his enlistment; —— or

ARTICLE 47.

Who directly or indirectly shall require or accept a bribe, present, or gratification, on the pretence of or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier; —— or

ARTICLE 48.

Who, being in Command at any Post, or on the march, on complaint made to him of any person under his command beating or otherwise illtreating

any person; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot; shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his Superior Officer; —— or

ARTICLE 49.

Who being in Command of a Guard, shall refuse to receive any Prisoner duly committed to his charge; or shall without proper authority release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape; —— or

ARTICLE 50.

Who shall quit his Guard or Picquet in time of peace, without being regularly relieved, or without leave; —— or

ARTICLE 51.

Who shall impede the Provost Marshal, or his Assistants, or any other Officer or person legally exercising authority;—or refuse to assist him when requiring his aid in the execution of his duty; —— or

ARTICLE 52.

Who, being on leave of absence, shall have received information from the Head Quarters of his Regiment, or from other competent authority, that his Regiment has been ordered on service, and shall not rejoin without delay; —— or

ARTICLE 53.

ARTICLE 53.

Who in time of peace shall, by discharging fire arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in Camp, Garrison, or Cantonments ; —— or

ARTICLE 54.

Who shall fail to repair at the time fixed to the parade, or place appointed, for exercise or duty if not prevented by sickness or some other sufficient cause ; —— or

ARTICLE 55.

Who shall, without urgent necessity, or without leave of his superior Officer, quit his Company or Troop or the Parade ; —— or

ARTICLE 56.

Who shall absent himself without leave, or shall, without sufficient cause, overstay the period for which leave may have been granted him ; —— or

ARTICLE 57.

Any Soldier who shall be found two miles from the Camp contrary to orders ; —— or

ARTICLE 58.

Who shall, contrary to orders, be absent from his Cantonment after tatoo, or from Camp after retreat beating ; —— or

ARTICLE 59.

ARTICLE 59.

Who shall sell, lose, or designedly, or through neglect, waste the ammunition delivered out to him;

Shall, if an Officer, on conviction, be sentenced to suspension from Rank and Pay and Allowances; or to be Reprimanded in such manner as the Commander in Chief may direct;

And, if a Soldier, shall, on conviction before a General, or District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award;

Provided that such offender shall not be liable to be sentenced to suffer Corporal Punishment or Imprisonment with Hard Labour.

ARTICLE 60.

All crimes not capital, and all disorders or neglects which Officers or Soldiers may be guilty of, to the prejudice of good order and Military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the Sentence of a General, or District, or Garrison, or Regimental Court Martial; provided that a Soldier shall not for any such offences be liable to be sentenced to suffer Corporal Punishment or Imprisonment with Hard Labour.

Crimes incident to Courts Martial.

ARTICLE 61

Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or

to

to make affirmation, or to answer any lawful question; or who shall induce any other person so to offend;

Shall be punished according to the Sentence of the same or another Court Martial, with Dismissal or Suspension from Rank and Pay and Allowances, if a Commissioned Officer; with Dismissal or reduction to the ranks if a Non-Commissioned Officer; or with Dismissal or imprisonment, if a Soldier;

Provided that such person, being a Commissioned Officer, shall not be liable to be punished by any but a General Court Martial; and that no offender punished under the provision of this Article of War shall be sentenced to suffer Imprisonment with hard labour, or Corporal Punishment.

ARTICLE 62.

Any person not amenable to these Articles of War, who, having been summoned upon any Court Martial, shall refuse or neglect to attend, or who attending shall refuse to be sworn, or to make affirmation, or to answer any lawful question, or shall give such testimony as, if given in a Criminal Court, would render him guilty of perjury; or who shall induce any other person so to offend;——

Shall be delivered to a Magistrate to be proceeded against according to law.

ARTICLE 63.

Any person using menacing or disrespectful words, signs, or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings; ——

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another Court Martial, if he be amenable to these Articles of War; provided that such offender shall not be liable to be sentenced to Corporal Punishment or to Imprisonment with hard labor; And if not amenable to these Articles of War, the offender shall be delivered over to a Magistrate to be proceeded against according to law.

ARTICLE 64.

Any Officer, or Soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General, or other Court Martial, or any Military Court entitled to administer an oath; or of inducing any other person so to offend;——

Shall be dismissed the service, and shall be further subject to fine to the amount of his arrears of Pay and Allowances, or to Imprisonment which may extend to three years;—according to the Sentence of a General, or District, or Garrison Court Martial.

Crimes admitting of less serious notice.

ARTICLE 65.

Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a General, or District, or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District, or Garrison, or Regimental Courts Martial respectively,—in such cases the Officer Commanding the Regiment or Corps to which the offender belongs shall lay a particular statement of the case before the

General

General or other Officer having authority to convene General, or District, or Garrison Courts Martial, under whose command such offender may be serving, with an application so to proceed; and such General or other Officer will exercise his discretion in complying or not with such application; but the permission of such General or other Officer so to proceed, shall be entered upon the proceedings at the trial of such offender.

Provided that MUTINY shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated "Disgraceful Conduct" in these Articles of War, and admitting of less serious notice, shall be permitted to be tried by Regimental Courts Martial, the term Disgraceful Conduct shall be omitted in the Charge.

Offences on the Line of March or on board Vessels.

ARTICLE 66.

For offences committed on the Line of March, or on board any Ship or other Vessel, the Officer in command of the Troops is hereby authorized to try any Soldier by a Regimental, or Detachment Court Martial, and to confirm and execute the Sentence and in all cases of Mutiny or Gross Insubordination to carry the Sentence into execution on the spot; ——

Provided that such Sentence shall in no case exceed that which a Regimental Court Martial is competent to award;—and that the proceedings held in all such cases shall be specially reported for the information of the Commander in Chief.

SECTION III.

Administration of Justice.

Article 67.

Whenever any Officer or Soldier shall commit a crime deserving punishment by Court Martial, he shall, by his Commanding Officer, be put under arrest, if an Officer; or if a Soldier, be confined; until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority; and no Officer or Soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement or an attempt to effect such process, shall in no case be omitted where it may be practicable;—but where resistance may be made, or from other circumstances such process may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

Article 68.

No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed *more than three years* previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried, at any time not exceeding *two years* after the impediment shall have ceased.

ARTICLE 69.

Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British Territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ARTICLE 70.

The Commander in Chief at the Presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being, may appoint General or other Courts Martial, and confirm, mitigate, or remit the Sentences of such Courts; and may issue his Warrant to any General or other Officer having the Command of a Body of Troops in the service of Her Majesty or of the East India Company, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of offences committed by any of the Officers or Soldiers or Followers in the service of the said Company, being Natives of the East Indies, or of other places within the limits of the said Company's Charter, and to confirm mitigate, or remit the Sentences of such Courts Martial.

ARTICLE 71.

A General Court Martial shall not consist of less than *thirteen* Commissioned Officers, unless it be held out of the East India Company's Territories, where such Court Martial may consist of *seven* Commissioned Officers, if a greater number cannot be conveniently assembled. And no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander in Chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

ACT No. XX. OF 1845.

Powers of a General Court Martial.

* Article 72.

A General Court Martial may sentence any Officer or Soldier to Death or Transportation, for any crimes which are by these Articles of War expressly made liable to sentence of Death or Transportation, and for such crimes only.

And when a Commissioned Officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such Officer to be dismissed the service ;—or to be suspended from rank and pay and allowances, for a stated period ;—or to be placed lower on the list of his rank, by an alteration of the date of his Commission, thereby losing the corresponding benefit of length of service ; and the Court shall in every such sentence specify the extent or degree of suspension or reduction, which they shall so adjudge ;—or the Court may sentence such Officer to be reprimanded in such manner as the Commander in Chief may direct.

And a General Court Martial may sentence any Non-Commissioned Officer to be reduced to the ranks ;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed the service ;—or to be placed lower in the list of the rank which he holds ;—or may sentence any Soldier to suffer Corporal Punishment not exceeding *Two Hundred Lashes* ;—or Imprisonment with or without hard labour not exceeding *two years* ;—and to be kept in solitary confinement for any portion or portions of such Imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement.

And

And a General Court Martial may, in addition either to Corporal punishment or to Imprisonment as aforesaid, sentence a Soldier to forfeiture of all advantage as to additional Pay and to Pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct.*

And a General Court Martial may, in addition to the punishment of dismissal, sentence any Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct;—And in addition to any punishment not involving dismissal from the service, may sentence any Officer or Soldier to be put under stoppages not exceeding two-thirds of his Pay and Allowances in the case of an Officer, and not exceeding half of his Pay and Allowances in the case of a Non-Commissioned Officer or Soldier, until the amount of such loss or damage be made good.

Confirmation and Commutation of Sentence by the Commander in Chief.

ARTICLE 13.

In cases wherein a Sentence of *Death* shall have been awarded by General Court Martial, for any offence against discipline for which sentence of Death is awardable under these Articles of War, the Commander in Chief may confirm such Sentence and cause it to be carried into effect, or may, instead of causing such Sentence to be carried into effect, order the offender, if an Officer, to be Transported for life, or to be dismissed, and if a Soldier to be Transported for life, or to be Imprisoned with or without Hard Labour either for life, or for a certain term of years, and with or without Solitary Confinement, to be regulated as aforesaid, as to the Commander in Chief may seem meet.

In

In cases of Commissioned Officers Sentenced to *Transportation*, the Commander in Chief may in lieu thereof order the offender to be dismissed. And in cases of Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such Punishment direct, that the offender be suspended from Rank and Pay and Allowances for a certain period, to be distinctly specified by the Commander in Chief.

And the Commander in Chief may commute a Sentence of *Transportation* passed on a Soldier, to Imprisonment with or without Hard Labour, and with or without Solitary Confinement to be regulated as aforesaid; and such Imprisonment may be either for the same period for which Transportation shall have been awarded, or for any lesser period.

And the Commander in Chief may commute a Sentence of *Corporal Punishment* to Dismissal from the service; or, in the case of a Non-Commissioned Officer may mitigate such Sentence to reduction to the ranks; or in the case of a Non-Commissioned Officer or Soldier may commute such Sentence to Imprisonment without Hard Labour, and with or without Solitary Confinement (to be regulated as aforesaid,) for any period not exceeding *two years*, if the sentence shall exceed *one hundred and fifty lashes*; not exceeding *one year* if it shall exceed *one hundred lashes*; and not exceeding *six months* if it shall be *less than one hundred lashes*;—but the term of such commuted Imprisonment may be for any lesser periods respectively, at the discretion of the Commander in Chief.

In cases of Non-Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such punishment, direct that the offender be reduced to the ranks, or placed lower in the list of the rank which he holds.

And in cases of offenders Sentenced to *Imprisonment with Hard Labour*, the Commander in Chief may mitigate such Sentence by causing the offender

to

to be reduced to the ranks, in the case of a Non-Commissioned Officer; or in the case of a Non-Commissioned Officer or Soldier by directing that he be dismissed from the service; or suffer Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid), for any period not exceeding that for which he shall have been Sentenced to such Imprisonment with Hard Labour.

ARTICLE 74.

A District, or Garrison Court Martial shall consist of not less than *Seven* Commissioned Officers, except in situations where that number cannot be conveniently assembled, when such Court may consist of not less than *Five* Commissioned Officers. And such District, or Garrison Court Martial may be composed of Officers of the same Regiment, and shall be assembled in conformity with the orders of the Commander in Chief.

And the Sentence of a District, or Garrison Court Martial shall be confirmed by the Commander in Chief, or by some Officer duly authorized to confirm the same.

Commutation of Sentence.

And the Commander in Chief is empowered to remit or mitigate or commute the Sentences of such Courts Martial, in the same manner as the Sentences of General Courts Martial; and to delegate or withhold the power to Commanding Officers of convening such Courts Martial, and of confirming, remitting, mitigating or commuting the Sentences of such Courts *(not including forfeiture of Pay or Pension or other advantage,)* as the Commander in Chief may deem to be most expedient.

And in case of any Sentence, including forfeiture of additional Pay or of Pension on Discharge, or of any prospective advantage, such Sentence shall not be carried into effect until confirmed by the Commander in Chief;

and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court Martial.

* Article 75.

A District or Garrison Court Martial may Sentence any Non-Commissioned Officer to be reduced to the ranks,—or may Sentence any Non-Commissioned Officer or Soldier to be dismissed from the Service; or to be placed lower in the list of the rank which he holds; or may Sentence any Soldier to suffer Corporal Punishment not exceeding *one hundred and fifty lashes*; or Imprisonment with or without Hard Labour not exceeding *One Year*, and to be kept in Solitary Confinement to be regulated as aforesaid.

And such Court Martial may, in addition either to Corporal Punishment or to Imprisonment as aforesaid, Sentence a Soldier to forfeiture of all advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct*.

And such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 76.

A Regimental Court Martial shall consist of not less than *Five* Commissioned Officers, (unless it be found impracticable to assemble that number, when *Three* may be sufficient:) and shall be assembled by order of the Officer Commanding the Regiment. And no Sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Provided that such Commanding Officer shall have power to remit all Sentences whatever passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

And such Commanding Officer shall have power to mitigate all Sentences whatever passed by such Court; and to commute a Sentence of *Corporal Punishment* to Imprisonment without Hard Labour, and with or without Solitary Confinement, to be regulated as aforesaid, for any period for which such Court is competent to Sentence an offender to suffer Imprisonment and in the same manner; and to mitigate a Sentence of *Dismissal* in the case of a Non-Commissioned Officer, to Reduction to the Ranks;—and to commute a Sentence of *Imprisonment with Hard Labour*, or with *Solitary Confinement*, or both, to Dismissal; or to mitigate such Sentence to Reduction to the Ranks; or to Imprisonment without Hard Labour.

But no Sentence of *Corporal Punishment*, or of *Imprisonment with Hard Labour*, passed by a Regimental Court Martial and confirmed in full by such Commanding Officer, or confirmed and mitigated by him; and no Sentence of *Dismissal* confirmed, and no commutation of Dismissal for Imprisonment made as aforesaid, by such Commanding Officer, shall be carried into effect, without the sanction and authority of the Officer Commanding the Division or Field Force or District or Brigade, (being the Senior Officer on the spot) in which the Regiment may be serving; who is hereby empowered to cause such sentence to be inflicted in accordance with the confirmation thereof in full

full or in mitigated degree by the Officer Commanding the Regiment, or such Dismissal to be carried into effect, or to direct the release of the offender and his return to duty as he may deem expedient.

Provided that in detached situations, or when on service in the field, the Officer Commanding the Regiment shall have power to carry into effect any Sentence of a Regimental Court Martial, in cases where an immediate example is necessary and reference cannot be had to superior authority without detriment to the service.

Powers of a Regimental Court Martial.

* ARTICLE 77.

A Regimental Court Martial may sentence any Non-Commissioned Officer to be reduced to the ranks;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed from the service,—or to be placed lower in the list of the rank which he holds—or may Sentence any Soldier to suffer Corporal Punishment not exceeding *one hundred lashes;* or Imprisonment, with or without hard labour, for any period not exceeding *six calendar months;* and to be kept in solitary confinement to be regulated as aforesaid.

Any such Court Martial may, in addition to the punishment of dismissal Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 78.

An Officer Commanding any Detachment of his own Regiment, may assemble Regimental Detachment Courts Martial;—and an Officer Commanding

manding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial;—and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments, shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest superior Officer holding a Command of not less than a Regiment;—(who is hereby authorized to confirm the same, in like manner, as an Officer Commanding a Regiment is empowered to do, and with the same restrictions;)—Except in cases where an *immediate example* is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service.

ARTICLE 79.

At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty, and Imprisonment form a part of the Sentence, no portion of the Imprisonment should be Solitary;—or, should Corporal Punishment be awardable to the offender, that it shall not be awarded in the particular case; and the Court will govern itself accordingly.

Execution of Sentences of Courts Martial.

ARTICLE 80.

In every sentence of death awarded by a General Court Martial, the Court shall specify that the offender shall "suffer death by being hanged by

the neck until he be dead," or " by being shot to death," as the Court in their discretion shall deem expedient ; and such sentence if confirmed, shall be carried into effect accordingly.

ARTICLE 81.

Whenever the sentence of a General Court Martial shall adjudge transportation, or sentence of death shall be commuted by competent authority to transportation, any of the Sudder Courts shall give effect to such sentence or commuted sentence, on the same being certified to the Court under the authority of the Commander in Chief.

And whenever any sentence of a Court Martial shall adjudge imprisonment with labour, or with solitary confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such imprisonment, it shall be the duty of every Judge, Magistrate, Sheriff, or other Officer in charge of a Jail, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer Commanding the Division, Field Force, District, or Brigade, within which the trial is held.

ARTICLE 82.

Whenever any Soldier shall be sentenced to imprisonment for life, or a sentence of death shall be commuted to imprisonment for life, it shall be lawful for the Commander in Chief to order such offender to be transported beyond sea for life, unless there should be special reasons inducing the Commander in Chief to think such prisoner not a proper subject for transportation.

ARTICLE 83.

Persons sentenced to imprisonment by Courts Martial shall be imprisoned in any public prison or in any other fit place which the Commander in Chief shall from time to time direct.

ARTICLE 84.

Every Soldier sentenced to imprisonment with hard labour, shall previous to undergoing such punishment be struck off the strength of his Corps from the date of confirmation of such sentence; and no Soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 85.

Offenders sentenced to dismissal for *disgraceful conduct*;

And offenders subject to Corporal Punishment or to imprisonment with hard labour for *disgraceful conduct* shall, on any such sentence being confirmed, be dismissed with ignominy.

ARTICLE 86.

In every case wherein a fine or stoppages shall be adjudged by a Court Martial, any arrears of pay or public money due to the offender, shall be available under an order from the Commander in Chief, for the payment of the amount so adjudged.

And no Soldier sentenced [illegible] or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his Pay and Allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his Pay and Allowances.

Forms of Proceeding.

ARTICLE 87.

Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

ARTICLE 88.

ARTICLE 88.

At General Courts Martial a Judge Advocate, or an European Officer of not less than ten years service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European Officer of not less than four years standing in the service, except in cases where no Officer or that standing may be available, or the Adjutant of the Regiment, shall be appointed to conduct the proceedings.

ARTICLE 89.

An Interpreter shall be appointed to all Courts Martial; and any Interpreter available at the Station where the Court Martial may sit shall be appointed as occasion may require by the Officer Commanding at such Station, on application from the Judge Advocate or Superintending Officer at such Court Martial. But in situations where the services of an Interpreter are not available, the Superintending Officer at the Court Martial shall perform the duty of Interpreter.

ARTICLE 90.

At all Courts Martial the Senior Officer shall sit as President without being so appointed by Warrant. Provided that all Subadar Majors are to take precedence according to the dates of their Commissions, and above all Native Officers holding the rank of Subadar or Jemadar; and that Sirdar Bahadoors and Bahadoors shall rank only according to their respective Commissions of Subadar Major, Subadar, or Jemadar. Rissaldars will take rank with Subadars, and Naib Rissaldars with Jemadars, according to the dates of their respective Commissions.

In case of the death or unavoidable absence of the President, the next Senior Member shall take the place of President, and the trial shall proceed, provided

provided that the Court shall still consist of at least the number of Members of which such Court is directed to consist by these Articles of War.

ARTICLE 91.

No Finding or Sentence of a Court Martial shall be revised more than once, and no Evidence shall be received on such revision. For the purpose of such revision the President and all the Members shall be convened if possible. But if any of them should be unavoidably absent, the remaining Members may proceed with such revision, provided they are not fewer than the smallest number directed in these Articles respectively. When all the same Members do not meet, the circumstances are to be duly certified on the face of the proceedings.

Manner of Voting.

ARTICLE 92.

All the Members of a Court Martial are to preserve order, and in giving their votes upon all matters are to begin with the youngest; and in all cases where a sentence of death may not be awarded, the decision shall be by the majority of Members present, provided the number of Members present be not less than that required by the preceding Articles; but in case of an equality of votes, the decision shall be in favor of the prisoner; the President at a Court Martial shall vote with the other Members, but shall have no casting vote. Provided, that in cases of an equality of votes upon other questions than the finding and the sentence, the President shall have a casting vote.

ARTICLE 93.

No sentence of death shall be given against any offender by a Court Martial, unless two-thirds of the Members present concur therein, or four where the Court consist of five Members, or five where the Court consist of seven.

Affirmations.

ARTICLE 94.

On the assembly of a Court Martial, the Judge Advocate or Superintending European Officer shall administer to the Interpreter the following Solemn Affirmation:

"I, A. B., solemnly affirm in the presence of Almighty God, that I "will faithfully interpret and translate the proceedings of the Court, and that "I will not divulge the sentence until it shall have been published by autho- "rity; and further, that I will not disclose or discover the vote or opinion "of any particular Member of the Court unless required to give evidence "thereof by a Court of Justice of Court Martial, in due course of Law."

In case of the unavoidable absence of an Interpreter, the European Superintending Officer of a Court Martial inferior to General, shall make the Solemn Affirmation prescribed for the Interpreter.

The Judge Advocate or Superintending Officer shall then cause the following Solemn Affirmation to be made by each Member:

"I, A. B., solemnly affirm in the presence of Almighty God, that I will "duly administer justice according to the Articles of War, without partiali- "ty, favour, or affection, and, if any doubt shall arise, then, according to my "conscience, the best of my understanding, and the custom of War in the "like cases, and that I will not divulge the sentence of the Court until it "shall be published by authority; and further, that I will not disclose "or discover the vote or opinion of any particular Member of the Court, "unless required to give evidence thereof by a Court of Justice or a Court "Martial in due course of Law."

The following Solemn Affirmation shall then be administered by the Interpreter to the Judge Advocate or Superintending Officer:

I, A. B.,

BENGAL SECRETARIAT LIBRARY

"I, A. B., solemnly affirm in the presence of Almighty God, that I will "not upon any account whatsoever disclose or discover the vote or opinion "of any particular Member of the Court Martial, unless required to give "evidence thereof as a witness by a Court of Justice, or a Court Martial in "due course of law, and that I will not, unless it be necessary for the due "discharge of my official duties disclose the sentence of the Court, until it "shall be published by authority."

Provided, that it shall be necessary to re-administer these Solemn Affirmations on the commencement of fresh trials before the same Court.

ARTICLE 95.

All persons who give evidence at a Court Martial are to be examined on Oath according to the forms of their respective religions or on affirmation—and persons of the Hindoo or Mahomedan persuasion shall make Affirmation to the following effect:

"I solemnly affirm, in the presence of Almighty God, that what I shall "state shall be the truth, the whole truth, and nothing but the truth."

And if any person making such affirmation as aforesaid, shall wilfully and falsely state any matter or thing which if the same had been sworn would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

ARTICLE 96.

In all cases where persons required as witnesses before a Court Martial, may not be amenable to Military Law, the Judge Advocate or Commanding Officer shall transmit to the Magistrate within whose jurisdiction the witness

may

may reside, his summons for the attendance of such person, and the Magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshal.

ARTICLE 97.

For the prompt and instant repression of all irregularities and crimes which may be committed by Troops in the Field and on the Line of March, Provosts Marshal shall be appointed by the Commander in Chief, and their Powers shall be regulated according to the established Usages of War and Rules of the Service; their duties are to take charge of Prisoners confined for offences of a general description; to preserve good Order and Discipline; to prevent Breaches of both, by Soldiers and Followers of the Army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing Breaches of good Order and Military Discipline; Provided, that the punishment be limited to the necessity of the case, and shall accord with the orders which the Provosts may from time to time receive from the Commander of the Forces in the Field, and whatever may be the crime, the Provost Marshal or his Assistant shall see the offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his Assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a Report shall be made to the Commander of the Army in the field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good Order and Military Discipline. The duties of Provosts Marshal being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the General Commanding the Forces in the Field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the Discipline of the East India Company's Army and the Public Service.

Trials

Trials by European Courts Martial.

ARTICLE 98.

At any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European Officers; and should he make such claim, the Court, whether General, or District, or Regimental, shall be composed of European Commissioned Officers, and the number of Members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor General of India in Council by a General Order to authorize the Native Troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV.

Effects of the Dead.

* ARTICLE 99.

When any Officer or Soldier, or any person receiving public pay drawn by any Officer in charge of a Public Department belonging to the Army, may die, or be killed in the service, the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, shall, if no Heir or Executor be present, secure his Effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the office of the Adjutant, or Officer in charge of the Department.

* ARTICLE 100.

If there be no Heir or Executor on the spot, the Effects are to be publicly sold; the Commanding Officer of the Regiment, or Party, or Officer in

charge of the Department, after discharging the debts of the deceased, viz. the expense of Funeral Ceremonies, his Debts in Camp or Quarters, and Regimental Debts of every description, shall account for the residue to the Heir or Heirs declared by Will, whether written or verbal, or nominated in the Regimental Register, or in failure of such to the legal representative of the deceased; and in the event of no Executor, Heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the Estate, is to be remitted to the General Treasury at the Presidency.

SECTION V.

Miscellaneous.

Article 101.

The Effects of Deserters are to be publicly sold, and the proceeds after payment of Regimental Debts, remitted by the Officer Commanding the Corps to which the Deserter belongs, to the General Treasury at the Presidency.

Article 102.

All powers and provisions contained in these Articles relating to the Commander in Chief, shall be construed to extend to the Commander in Chief at any Presidency, and to the Officer Commanding the Forces for the time being at any Presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to Soldiers, shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

Article 103.

When any portion of the Troops belonging to one Presidency shall be serving within the limits of another Presidency, such Troops shall be considered

dered as placed, during such service, under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency. Provided always that it shall be lawful for the Governor General in Council in his executive capacity, to direct that the Troops, or any part thereof of any Presidency, whilst serving without the limits of such Presidency shall continue under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency to which they belong, for all purposes of these Articles.

ARTICLE 104.

Any Officer Commanding any portion of the East India Company's Troops which may at any time be serving in any place out of Her Majesty's Dominions, or of the Possessions [illegible] which are or may be under the Government of the said Company, or of the Territories of those States in alliance with the said Company in which the said Company's Forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's Army, being under the immediate Command of any such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers at the least, for the purpose of trying any such person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by these Articles to General Courts Martial; provided that no sentence of any such Court Martial

shall

shall be executed until the General Commanding in Chief the Army to which the Division, Brigade, Detachment, or Party to which any person so tried, convicted and adjudged to suffer punishment shall belong, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District, or Garrison Court Martial, in which case the Officer by whom the Court is convened is hereby authorized to confirm or commute or mitigate or remit the same; reporting the proceedings to the said General Commanding in Chief.

ARTICLE 105.

General Courts Martial only shall have the power to try Commissioned Officers; or to pass Sentence of Death or Transportation on any offenders.

ARTICLE 106.

No person, being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a Soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such Soldier before a Court Martial or a Court of Justice, and shall enquire into the *general* character of such Soldier; for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the Court shall have ascertained that such Soldier had previously to his trial received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all Soldiers previous to trial.

* ARTICLE 107.

No Non-Commissioned Officer shall be reduced to the ranks but by the sentence of a Court Martial, or by order of the Commander in Chief of the Presidency

Presidency to which the offender shall belong. Provided that no Non-Commissioned Officer shall be reduced to the ranks for any limited period; nor suspended from his rank; nor reduced from a higher to a lower grade of Non-Commissioned Officer; nor sentenced to suffer Corporal Punishment or Imprisonment, without being first reduced to the ranks.

* Article 108.

Any Officer or Soldier thinking himself wronged by his Superior or other Officer, is to complain thereof to the Commanding Officer of his Troop or Company, by whom if the grievance be not redressed, such Officer, Non-Commissioned Officer, or Soldier, may complain to the Commanding Officer of his Regiment, who is hereby required to examine into such complaint, or remit it to his superior authority as the circumstances may require; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial in manner hereinbefore mentioned; provided that such offender shall not be liable to be sentenced to dismissal nor to suffer Corporal Punishment or Imprisonment with hard labour.

Article 109.

In case of light offences, a Commanding Officer may without the intervention of a Court Martial, award extra drill with or without pack for a period not exceeding fifteen days; restriction to Barrack limits not exceeding fifteen days; confinement in the Quarter Guard, or Defaulter's Room, not exceeding seven days; removal from Staff situations or acting appointments; or may order Soldiers to be employed in piling and unpiling shot; and in cleaning accoutrements of men in Hospital; but none of these descriptions of punishment shall be awardable by Sentence of a Court Martial. And a Commanding Officer may award solitary confinement not exceeding seven days.

Provided that Soldiers in confinement shall be liable to be ordered to attend ordinary drill.

ARTICLE 110.

Any Officer, or Soldier, who shall be taken prisoner by the Enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner and until he shall again return to the service; when, if he can establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the Enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander in Chief.

SECTION VI.

Mode of dealing with offences not Military.

ARTICLE 111.

In all places within the jurisdiction of any Civil Judicature, established by appointment of Her Majesty or of the said Company, Officers and Soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such Civil Judicature, shall be delivered over to a Magistrate to be proceeded against according to Law.

And all Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

Crimes

ACT No. XX. OF 1845.

Crimes to be tried by Courts Martial where no regular Criminal tribunals exist.

ARTICLE 112.

In any place within the limits of the Charter of the East India Company, whether in or out of the British Territories, where there may be no Civil Judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by Civil Tribunals, such offences when committed by Officers or Soldiers shall be cognizable by Courts Martial.

ARTICLE 113.

General Courts Martial shall have cognizance ordinarily, of offences punishable with Death;

Transportation for Life;

Imprisonment for Life;

Imprisonment for a period which may extend to 14 years;

Imprisonment for a period which may extend to 7 years.

ARTICLE 114.

District or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of death or transportation, with power to sentence persons convicted of such offences to imprisonment for any period not exceeding three years.

ARTICLE 115.

Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with imprisonment for a period not exceeding

ing six calendar months, and, by special order, of offences ordinarily cognizable by District or Garrison Courts Martial, with power to sentence persons convicted of such offences to imprisonment for a period not exceeding six calendar months.

General Courts Martial.

Punishment of Death.

ARTICLE 116.

Any Officer or Soldier who shall be convicted by a General Court Martial of the crime of "Murder" shall be sentenced to suffer death by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

ARTICLE 117.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt

attempt to commit murder, or with wounding or other Corporal injury to any person endangering the life of such person: That is to say,

1st.—Breaking or attempting to break by day or night into any Dwelling House, Tent, Boat, or other habitation, or into any building or place used for the preservation of property with the intent to rob or steal.

2nd.—Robbery or attempt to rob.

3rd.—Stealing or attempting to steal in a house, or from the person:—

Shall be Sentenced by such General Court Martial to imprisonment with or without hard labour and transportation for life.

Offences punishable by Imprisonment which may extend to 14 *years.*

ARTICLE 118.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other Corporal injury to any person not endangering the life of such person; —— or

ARTICLE 119.

Of wounding with intent to murder, whether the person wounded be the person whom the offender intended to murder or another; —— or

ARTICLE 120.

Of Robbery by open violence or Dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house or place of habitation, or any place in which property may be kept, for the purpose of robbery; —— or

ARTICLE 121.

Of breaking or attempting to break into any Dwelling House, Tent, Boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal; —— or

ARTICLE 122.

Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed 100 Company's Rupees; —— or

ARTICLE 123.

Of purchasing or receiving plundered or stolen property knowing it to have been obtained by robbery, by open violence, or by theft or robbery aggravated as described in Article 118 or Article 119;—

Shall be sentenced by such General Court Martial to imprisonment with or without Hard Labour for a period not exceeding 14 years.

Offences punishable by Imprisonment not exceeding 7 years.

ARTICLE 124.

Any Officer or Soldier who shall be convicted by a General Court Martial of culpable Homicide not amounting to wilful murder; —— or

ARTICLE 125.

Of premeditated affray, attended with Homicide, or severe wounding, or other aggravating circumstance; —— or

ARTICLE 126.

Of intentionally wounding, maiming, or otherwise doing Corporal injury to any person; —— or

ARTICLE 127.

ARTICLE 127.

Of accidentally wounding, maiming, or otherwise doing corporal injury to any person with the intention of doing such injury to another person; —— or

ARTICLE 128.

Of breaking into any Dwelling House, Tent, Boat, or other place of Habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein; —— or

ARTICLE 129.

Of stealing from any habitation, or from any person, any property exceeding Three Hundred Company's Rupees in value; —— or

ARTICLE 130.

Of having purchased any property so stolen exceeding in value Three Hundred Company's Rupees, knowing it to have been stolen; —— or

ARTICLE 131.

Of Arson; —— or

ARTICLE 132.

Of an unnatural crime; —— or

ARTICLE 133.

Of Rape; —— or

ARTICLE 134.

Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of 15 years; —— or

ARTICLE 135.

Of stealing a child under the age of 8 years:—

Shall be Sentenced by such General Court Martial to suffer imprisonment with or without Hard Labour, for any period not exceeding seven years.

District or Garrison Courts Martial.

Offences punishable by Imprisonment not exceeding 3 years.

ARTICLE 136.

It shall be competent to the Commander in Chief, and to any Officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of Death or Imprisonment or Transportation for Life is not provided therein, to be tried for such offences before a District, or Garrison Court Martial, and such Court shall have power, on conviction, to sentence any such offender to Imprisonment with or without Hard Labour for any period not exceeding three years.

ARTICLE 137.

Any Officer or Soldier who shall be convicted by a General, District, or Garrison Court Martial, of stealing from any habitation, or from the person, any property, of value not exceeding three Hundred Company's Rupees but exceeding Fifty Company's Rupees; —— or

ARTICLE 138.

Of having purchased or received any stolen property of value not exceeding Three Hundred Company's Rupees, knowing it to have been stolen but not under aggravating circumstances; —— or

ARTICLE 139.

Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen:—

Shall be sentenced by such Court to suffer Imprisonment with or without Hard Labour for any period not exceeding three years.

Regimental, Detachment, or Line Courts Martial.

Offences punishable by Imprisonment not exceeding six months.

ARTICLE 140.

It shall be competent to any Officer having authority to convene a Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding Imprisonment with Hard Labour for three years is therein provided, to be tried before Regimental or Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer Imprisonment with or without Hard Labour for any period not exceeding six calendar months.

Offences punishable by Imprisonment from six months to one year, according to the description of Court.

ARTICLE 141.

Any Officer or Soldier who shall be convicted of stealing property to the value of Fifty Company's Rupees, or of less value; —— or

ARTICLE 142.

Of Assault or Affray, unattended with homicide, severe wounding, or aggravating circumstances;—

Shall be sentenced to suffer Imprisonment with or without Hard Labour, for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial; or, for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

Offences punishable by Imprisonment from six months to two years, according to the description of Court.

ARTICLE 143.

Any Officer or Soldier who shall be convicted of resisting the process of a Magistrate or Police Officer; ——or

ARTICLE 144.

Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War;—

SHALL be sentenced to suffer Imprisonment for any period not exceeding two years, by the award of a General Court Martial; not exceeding one year, by the award of a District, or Garrison Court Martial; and not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

ARTICLE 145.

Any Officer or Soldier who shall be convicted by a General, or District, or Regimental Court Martial, of having been present aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such Court

Court to the punishment therein provided for such offence, and awardable by General, or District, or Regimental Courts Martial, respectively.

ARTICLE 146.

No sentence of death shall be carried into effect until confirmed by the Commander in Chief, nor, if the trial shall have been held within the British Territories forming part of either of the Presidencies of Fort William, Fort St. George, and Bombay, respectively, until such confirmation shall have been concurred in by the Government of the Presidency where such trial shall have been held.

ARTICLE 147.

The Commander in Chief is authorized at his discretion to confirm any sentence of death, or to remit such sentence, or to commute it into imprisonment with hard labour and transportation for life, or into imprisonment with hard labour for any term of years.

ARTICLE 148.

No sentence of transportation shall be carried into effect until confirmed by the Commander in Chief, and the Commander in Chief is authorized at his discretion to confirm any such sentence, or to commute it into imprisonment with or without hard labour for any period of time.

ARTICLE 149.

It shall be competent to any Officer having authority to confirm the sentence of a General or other Court Martial to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple imprisonment for imprisonment with hard labour, or by reducing the period of imprisonment, or by directing the discharge of the offender in lieu of any imprisonment.

ARTICLE 150.

But no sentence of imprisonment with hard labour, passed by a Regimental, or Detachment, or Line Court Martial, and confirmed either in whole or in part by the Commanding Officer; and no award of discharge substituted for other punishment, as aforesaid, by such Commanding Officer; shall be carried into effect without the sanction and authority of the Officer Commanding the Division or Field Force, or District, or Brigade, (being the senior Officer on the spot,) in which the offender may be serving or of the senior Officer on the spot in the field.

ARTICLE 151.

A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same in any other Court whatsoever, and no person who shall have been acquitted or convicted of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by Cashiering or Dismissal from the service.

ARTICLE 152.

The Regulations at present in force at any Presidency, by which the office and powers of Commissariat Officers, or Officers in charge of the Police, or Superintendents of Bazars, are defined and controuled; or by which Punchayets are constituted and guided; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

ACT No. XX. OF 1845.

SECTION VII.

Application of the Articles.

ARTICLE 153.

All Officers and Soldiers, all Drivers, Farriers, Trumpeters and Drummers; all Hospital Attendants, Sub-Assistant Surgeons, Native Doctors, and Dressers; all Artificers and Labourers, Suttlers, Followers, public and private, or others attached to or serving with any part of the Army, are to be governed by these Articles and subject to trial by Courts Martial.

Provided, that persons of European descent, (whether on the side of their father or mother) professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article, (and not being Her Majesty's natural born subjects born in Europe, or the children of such subjects,) shall be tried and punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better government of the Officers and Soldiers in the European Service of the East India Company.

Promulgation of the Articles.

ARTICLE 154.

These Articles are to be translated into the several languages of the different Presidencies, and the parts following, viz. the second Section, together with the following Articles in other Sections which are marked with an * (Asterisk) viz. 2, 4, 72, 75, 77, 99, 100, 107, and 108, are to be read once every six months at the head of every Regiment, Troop or Company mustered in the service, and to every Recruit at the period of his enlistment.

Calcutta 1845:—Printed at the Bengal Military Orphan Press, by G H Huttmann.

ACT No. XXI. OF 1845.

Passed by the Governor General of India in Council on the 13th September, 1845.

An Act respecting the appointment and powers of Agents for the suppression of Meriah Sacrifices in the Hill Tracts of Orissa.

I. IT is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Commissioner and Superintendent of Tributary Mehals in Cuttack, any of the Tributary Estates specified in Section 2, Regulation II. of 1816 of the Bengal Code, and to place any such Estates under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Government of Bengal in that behalf.

II. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Agent to the Governor General, South West Frontier, any portion of the tracts of Country, comprized in that Agency, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his

his subordinates, as shall from time to time be appointed by the Governor of Bengal in that behalf.

III. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Collectors of Ganjam or Vizagapatam, exercised by them as Agents to the Governor of Fort St. George under Act XXIV. of 1839, any portion of the tracts of Country specified in Section II. of the said last mentioned Act, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Government of Fort St. George in that behalf.

IV. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the operation of the General Regulations and Laws any portion of Zillah Rajamundry, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall be appointed by the Government of Fort St. George in that behalf.

V. And it is hereby enacted, that all such Agents and their subordinates as shall be appointed under this Act, shall in the exercise of their jurisdiction and superintendence, be guided by such instructions as they may from time to time receive from the Government of India through their respective Governments.

VI. And it is hereby enacted, that it shall be competent to the Governor General in Council, through the Governments of the aforesaid Presi-

dencies

dencies respectively, to prescribe such Rules as he may deem proper for the guidance of such Agents and subordinates, and to determine to what extent the decision of the said Agents in Civil Suits shall be final, and in what Suits an appeal shall lie to the Sudder Court, and to define the authority to be exercised by the said Agents in Criminal trials, and what Criminal cases they shall submit for the decision of the Sudder Court.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXII. OF 1845.

Passed by the Governor General of India in Council on the 20th September, 1845.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. WHEREAS it is expedient that the Governor General should visit the North Western Provinces and other parts of India unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council during the absence of the Governor General, and except the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXIII. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 22d November, 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act to enable "The Union Bank of Calcutta" to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company.

WHEREAS by and under a certain Deed of Partnership or Association or an Agreement in writing of that nature bearing date the First day of August 1839, several persons have formed themselves into a certain Company or Co-partnership by the name of "The Union Bank of Calcutta," by which said Deed or Agreement it was and is provided (amongst other things) that the business of the said Company should consist in issuing Promissory Notes payable to bearer on demand at their Office in Calcutta for any sum of not less than Eight Company's Rupees, and not exceeding One Thousand Company's Rupees, and Bills of Exchange payable at such time after date or sight as the Directors for the time being should fix to parties who should require the same and deposit the amount of such Bills in the said Bank, which deposit should bear interest at such rate as the Direc-

tors should fix, and also in discounting Bills and Promissory Notes not having a longer period to run than four months from the time of discounting the same respectively, and also in lending money on the Security of personal property for any period not exceeding four months, or in cash accounts to persons depositing undoubted Security, such accounts to be settled at the end of every three months, and in all other branches of business usually transacted by Bankers in Calcutta, and by which said Deed or Agreement it was and is further provided, that the Capital Stock and Fund of the said Company should amount to the sum of 10,00,000 of Company's Rupees, with certain provisos for increasing the same when and if it should be deemed expedient. And whereas difficulties have arisen and may hereafter arise in recovering debts and monies due to the said Company called "The Union Bank of Calcutta," and in maintaining actions for damages done to the same Company, or to the property of the said Union Bank since by law all the Members for the time being of the said Company must be named in every action or suit carried on for such purpose. And whereas it would be convenient that persons having demands against the said Company should be entitled to sue one of the two Officers hereinafter mentioned or described in that behalf; Therefore for obviating and removing the difficulties aforesaid—It is hereby enacted, that from and after the passing of this Act, all actions, suits and other proceedings whatsoever, at Law or in Equity, for any injury or wrong done to any real or personal property of the said Union Bank, in whomsoever the same may for the time being be vested whether in the said Company, or in some person or persons in trust for the said Company, or upon or in respect of any present liability or liabilities to the said Union Bank, or to any person or persons in trust for the said Union Bank, or upon any Bonds, Covenants, Contracts or Agreements which already have been or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in

trust

trust for the said Union Bank, or wherein the said Union Bank is or shall be interested, and also all instruments and petitions to found any adjudication of Insolvency in any Court for the Relief of Insolvent Debtors against any person or persons indebted to the said Union Bank, and liable to have been made Insolvent by the Laws now or at any time hereafter in force relating to Insolvents in the East Indies, and generally all other proceedings whatsoever at Law or in Equity to be commenced, instituted or carried on by or on behalf of the said Union Bank, or wherein the said Union Bank is or shall be concerned or interested against any person or persons, body or bodies, politic or corporate, or others, whether such person or persons, body or bodies, politic or corporate, is or are or shall then be a Member or Members, Proprietor or Proprietors of, or in the said Union Bank, or not, shall and lawfully may be commenced, instituted, presented and prosecuted, or carried on in the name of the person who shall be the Secretary, or of the person who shall be the Treasurer of the said Union Bank at the time such action, suit or proceeding shall be commenced or instituted as the nominal plaintiff or petitioner for or on behalf of the said Union Bank, and all actions, suits and proceedings at Law or in Equity, as well for subsisting as future accruing claims, debts or demands to be commenced or instituted against the said Union Bank by any person or persons, body or bodies, politic or corporate, whether such person or persons, body or bodies, politic or corporate, is or are, or shall then be a Member or Members, Proprietor or Proprietors of, or in the said Union Bank or not, shall be commenced, instituted and prosecuted against the said Secretary for the time being of the said Union Bank, or of the said Treasurer for the time being of the said Union Bank, as the nominal defendant, respondent or defender for and on behalf of the said Union Bank, and the death, removal, resignation or any other act of such Secretary or Treasurer, or the Bankruptcy or Insolvency of such Secretary or Treasurer shall not abate or prejudice any action, suit or other

proceeding

proceeding at Law or in Equity commenced under this Act, but the same may be continued, prosecuted and carried on or defended in the name of any other the Secretary or Treasurer for the time being of the said Company.

II. And it is hereby enacted, that from and after the passing of this Act in all indictments, informations and other criminal proceedings brought, instituted or carried on by, or on the behalf of the said Union Bank for fraud or injury upon or against the said Union Bank, or for any felonies, taking, stealing or embezzlement, damaging or destroying, or for any offence whatever relating to any Money, Notes, Bills, Effects, Securities, or any real or personal property of the said Union Bank, or for any other offence against the said Union Bank, it shall be lawful to state such Money, Notes, Bills, Effects and Securities, and other real and personal property in whomsoever the same may be vested whether in the said Union Bank, or in some person or persons in trust for the said Union Bank, to be the Money, Notes, Bills, Effects and Securities, or property of the said Union Bank, or of such Secretary or Treasurer for the time being of the said Union Bank; and any offence committed with intent to injure or defraud the said Union Bank, shall and lawfully may in such prosecution be laid to have been committed with intent to injure or defraud the said Union Bank, or such Secretary or Treasurer for the time being of the said Union Bank, and any offender or offenders may hereupon be lawfully convicted of any such offence, and in all other allegations or indictments, informations, or other proceedings in which before the passing of this Act, it would have been necessary to state the names of the persons composing the said Union Bank, it shall be lawful and sufficient to state the name of such Secretary or Treasurer, and the death, resignation or removal of such Secretary or Treasurer, shall not abate or render defective or in any wise affect

affect or prejudice such indictments, informations or other criminal proceedings.

III. And it is hereby further enacted, that no action which may be commenced against the said Union Bank, or the Secretary or Treasurer for the time being of the said Union Bank, upon or arising out of any contract entered into by or on behalf of the said Union Bank, shall be in any wise affected or defeated by, or by reason of the plaintiff or plaintiffs therein, or of any other person or persons who may be in any wise interested or concerned in such action being a Member or Members of, or a Shareholder or Shareholders, or a Partner or Partners in the said Union Bank, but any Member or Members, or Shareholder or Shareholders of, or Partner or Partners, in the said Union Bank, shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against the said Union Bank, or the Secretary or Treasurer for the time being thereof, upon any contract, and for any debt, damage or demand whatsoever which he or they might have had if he or they had been a stranger or strangers, and not a Member or Members, Shareholder or Shareholders, Partner or Partners of, or in the said Union Bank.

IV. And it is hereby further enacted, that no action commenced by or on behalf of the said Union Bank in the name of the Secretary or Treasurer for the time being thereof, by virtue of this Act upon, or arising out of any contract whatsoever entered into by or on behalf of the said Union Bank, or for the recovery of any debt or demand whatsoever due or owing to the said Union Bank, or for any other cause or any other account shall be in any wise affected or defeated by or by reason of the defendant or defendants therein, or any person or persons who may be in any wise interested or concerned in such action being a Member or Members,

Shareholder or Shareholders, or Partner or Partners of or in the said Union Bank, but the said Union Bank shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against any Member or Members, Shareholder or Shareholders thereof either alone or jointly with any other person or persons upon any contract, and upon and for any debt, damage or demand whatsoever which the said Union Bank might have had if such cause of action had arisen with a stranger or strangers, and not with a Member or Members, or Shareholder or Shareholders, or Partner or Partners of or in the said Union Bank.

V. And it is hereby further enacted, that the Directors of the said Union Bank shall cause a Memorial in the form and to the effect expressed in the Schedule to this Act, or as near thereto as the circumstances of the case will admit of the name, residences and descriptions of the Directors, Secretary and Treasurer, and of the several persons being Members and Proprietors of the said Union Bank, to be verified by a declaration in writing to be made before the Master in Equity of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, by the Secretary or some one of the said Directors for the time being, and the same shall be enrolled amongst the records of the said Supreme Court within 12 Calendar months next after the passing of this Act; and whenever any new Director or Directors, or Secretary or Treasurer shall be elected a like Memorial shall be verified and enrolled as aforesaid specifying in whose place or places he or they shall be appointed within 12 Calendar months after such appointment, and whenever any person or persons shall cease or discontinue to be a Proprietor or Proprietors of the said Union Bank a Memorial of his, her or their names shall be in like manner verified within 12 Calendar months after such person or persons shall have so ceased or discontinued to be such Proprietor or Proprietors in the Form expressed in the

the said Schedule for that purpose; and when any new Proprietor or Proprietors shall be admitted into the said Union Bank a Memorial of his, her or their names shall be in like manner verified and enrolled among the records of the said Supreme Court of Judicature within 12 Calendar months afterwards according to the Form in the said Schedule. Provided always that if any declaration so made shall be false or untrue in any material particular the person wilfully making such false declaration shall be guilty of a misdemeanor.

VI. And it is hereby further enacted, that until such Memorial as first hereinbefore mentioned shall have been deposited and enrolled as hereinbefore directed no action or suit shall be brought by the said Union Bank under the authority of this Act, and until the Memorial by this Act required to be deposited and enrolled in the event of any person or persons ceasing or discontinuing to be a Director or Secretary or Treasurer or Member of the said Union Bank, shall have been deposited and enrolled as hereinbefore mentioned, the person or persons whose names shall appear in the last Memorial which shall have been made and enrolled shall be and are hereby declared to be liable to all such actions, suits, and executions upon judgment or decree and other proceedings under this Act in the same manner as if he, she, or they had not ceased or discontinued to be a Director, Secretary, or Treasurer, or Proprietor of the said Union Bank.

VII. And it is hereby further enacted, that an examined copy of every Memorial to be deposited and enrolled pursuant to this Act, certified to be a true copy by and under the hand and signature of the Keeper of Records and Muniments for the time being of the said Supreme Court of Judicature shall be received in evidence as proof of the contents of such Memorial, and proof shall not be required that the person by whom the

Memorial

Memorial purports to be verified was, at the time of such verification, one of the Directors of the said Union Bank.

VIII. And it is hereby further enacted, that all and every judgment and judgments, decree and decrees, order and orders, made or pronounced in any action, suit, or proceedings in any Court of Law or Equity within the limits of the Territories of the East India Company against the Secretary or Treasurer for the time being of the said Union Bank shall subject to the express provisions of this Act have the like effect and operation upon and against the property and funds of the said Union Bank as if such judgment, decree or order had been made or pronounced against all the Members of the said Union Bank, and as if all the Members of the said Union Bank had been parties before the Court to such action, suit and proceedings, and as if this Act had not passed.

IX. Provided always and it is hereby further enacted, that in case execution upon any judgment or decree in any such action or suit obtained against the Secretary or Treasurer of the said Union Bank as defendant or respondent or otherwise shall have been issued and taken out against the funds and property of the said Union Bank under the Provisions of this Act, and shall be ineffectual for obtaining full payment and satisfaction for the sum or sums sought to be recovered, then and in such case execution upon any such judgment or decree shall be issued against any other Individual, Proprietor or Proprietors of the said Union Bank successively as it may become necessary to enforce payment and satisfaction of the said judgment or judgments. Provided also that every such Secretary or Treasurer in whose name any such action or suit shall be commenced, prosecuted or defended, and every Director or Member against whom execution upon any judgment or decree obtained in any such action or suit shall be issued as aforesaid, or as hereinafter

mentioned

mentioned shall always be reimbursed and paid out of the funds or property of the said Union Bank all such loss, damages, costs and charges as by the event of any such proceedings he or they shall be put unto or become chargeable with, and if the funds or property of the said Union Bank shall be insufficient to pay the said loss, damages, costs or charges then the deficiency shall be made good by the Proprietors for the time being of the said Union Bank. Provided also, that if any such execution against the Secretary or Treasurer or Member or Members for the time being of the said Union Bank shall be ineffectual for obtaining payment of the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties so having obtained judgment or decree against the Secretary or Treasurer for the time being of the said Union Bank to issue execution against any other person or persons who was or were a Member or Members thereof at the time the Contract or Contracts was or were entered into upon which such action or suit was or were instituted, but no such execution shall be issued against any other person than the actual party to the action or suit without leave first granted in open Court by the Court in which such action or suit may have been brought or instituted, and when motion shall be made or notice to the person or persons sought to be charged. Provided also, that nothing herein contained shall render such past Members or Proprietors liable for payment of any debt or claim for which such action, suit or proceedings may have been brought to which they would not have been liable by operation of law as Partners in case any action or other proceeding had been originally brought against them for the same.

X. And whereas it is expedient that every Member of the said Union Bank against whom any execution shall be issued upon any judgment or decree under the authority of this Act should have an easy and

expeditious mode of recovering all such losses, damages, costs and charges as he or she shall be put to or become chargeable with in consequence thereof. It is therefore hereby enacted, that if any execution upon any judgment or decree obtained in any action, suit or proceeding under this Act shall be issued against any other Proprietor or Member of the said Union Bank, and such Proprietor or Member shall not within the space of one month next after the issuing thereof be reimbursed out of the funds or property of the said Union Bank, all such monies, costs, charges, losses and expences as he or she shall have paid or been put to or become chargeable with in consequence of such execution having been issued against him or her, it shall be lawful for such Member or Proprietor to divide such monies or cost or charges, or so much thereof as he or she shall not have been reimbursed as aforesaid into as many equal parts or shares as the Capital of the said Union Bank shall at that time be divided into, and each and every Proprietor for the time being of any share or shares in the said Company shall in proportion to the number of shares which he or she may hold in the said Union Bank pay one or more of such parts or shares upon demand to the Member or Proprietor against whom such execution shall have issued, or to his or her Executors or Administrators, and upon the neglect or refusal of any Proprietor of the said Company to pay upon demand his or her due and fair proportion of such monies, costs and charges, then and in such case it shall be lawful for the Proprietor, or such person to whom the same ought to have been paid, to sue for and recover the same in and by action, suit or plaint against the Proprietor, or the Executors or Administrators of any Proprietor who shall so neglect or refuse as aforesaid in Her Majesty's Supreme Court of Judicature in Calcutta.

XI. And it is hereby enacted, that the Secretary or Treasurer for the time being of the said Union Bank, or any Member of the said Union Bank

Bank being the plaintiff, appellant, petitioner or prosecutor, or being the defendant or respondent in any action, suit, petition, proceeding, prosecution or indictment commenced, instituted or prosecuted in the Courts, and within the limits aforesaid by or against the said Union Bank, shall not by reason thereof be deemed incompetent to be a witness in any such action, suit, petition, proceeding, prosecution or indictment; but such Secretary or Treasurer, or Member of the said Union Bank as aforesaid shall and may if not otherwise interested or objectionable be a good and competent witness, and be admissible and be admitted as such in all the Courts above mentioned, and by and before all Judges, Justices and others, within the limits aforesaid in any such action, suit, petition, proceeding, prosecution or indictment in the same manner as he or they might have been if his or their name or names had not been made use of as the plaintiff or appellant, petitioner or prosecutor, defendant or respondent in any such action, suit, petition, proceeding, prosecution or indictment or other proceeding.

XII. And it is hereby further enacted, that any individual Member or Members of the said Union Bank, or person or persons who shall have been a Member or Members of the said Union Bank, and have parted with his, her or their shares and interests therein, and who shall claim payment of any dividends of the funds or profits of the said Union Bank due and payable to him, her or them, and not also disposed of and parted with along with such share or shares, or any other right or interest against the said Union Bank generally, shall and lawfully may commence and carry on in any Court of Equity within the limits aforesaid any suit or other proceeding against the Secretary or Treasurer of the said Union Bank for the time being, and in like manner such Secretary or Treasurer for the time being may commence and carry on in his own name by and on behalf of the said

Company

Company any suit or other proceeding in any Court of Equity within the limits aforesaid against any individual Member or Members of the said Union Bank, or person or persons who shall have been a Member or Members of the said Union Bank, and have parted with his, her or their shares and interests therein against whom the said Union Bank generally may have any claim or demand, and all such suits and other proceedings shall be as valid and effectual as if all the Members of the said Union Bank had been made parties, and every decree and order made therein shall be binding for or against the said Union Bank, and no abatement shall arise from the death, resignation or removal, or any act or proceeding of any such Secretary or Treasurer pending the suit, nor shall such suit be deemed defective by reason thereof. Provided always that in case for the purpose of discovery or for any other purpose, any person or persons (whether Members of the said Union Bank or not) having claims or demands against the said Union Bank shall be desirous to include any other Member or Members of the said Union Bank, besides the Secretary or Treasurer for the time being as a defendant or defendants in any Bill or other proceeding in any Court of Equity within the limits aforesaid, it shall be lawful for him, her or them so to do—any thing in this Act contained to the contrary notwithstanding.

XIII. And it is hereby further enacted, that no person or persons, body or bodies, politic or corporate, having or claiming to have any demand upon or against the said Union Bank shall when the same has been so determined as to have been pleadable in bar against such person or persons, body or bodies, politic or corporate, bring more than one action or suit in respect of such demand, and the proceedings in any action or actions, suit or suits which may have been brought against the Secretary or Treasurer for the time being of the said Union Bank under the authority of this Act if so determined, may be pleaded in bar of any action or actions, suit or suits in

any

any of the Courts aforesaid for the same cause against any other Secretary or Treasurer, or against any Member of the said Union Bank, and that in case of any demand which the said Union Bank now has or hereafter may have upon or against any person or persons, body or bodies, politic or corporate, whether a Member or Members of the said Union Bank or not, and which shall have been determined in any action or suit, commenced or prosecuted by the Secretary or Treasurer for the time being of the said Union Bank, the proceedings in such action or suit may be pleaded in bar of any other action, or suit, or actions, or suits in any of the Courts aforesaid for the same demand which may be commenced or prosecuted by the same, or any other Secretary or Treasurer of the said Union Bank.

XIV. Provided always and it is hereby further enacted, that nothing in this Act contained shall extend, or be construed to extend to incorporate the said Union Bank, or to relieve or discharge the said Union Bank from any responsibility, contract, duty, or obligation whatever to which by law they now are or at any time hereafter may be subject or liable, either as between the said Union Bank and other parties, or as between the said Union Bank and any of the individual Members of the said Union Bank, or any of them and others, or amongst themselves, or in any manner whatsoever.

XV. And it is hereby further enacted, that this Act and the provisions herein contained shall extend and be construed to extend to the said Company called the Union Bank at all times during the continuance thereof, whether the said Union Bank hath been or be now or shall hereafter be composed of all, or of some of the persons who were the original Members thereof, or of all or some of those persons, together with some other person or persons, or whether the said Union

Bank be at the time of the passing of this Act, composed altogether of persons who were not original Members of the said Union Bank, or whether the said Union Bank shall hereafter be composed of persons who were not original Members thereof, or of persons all of whom shall become Members subsequently to the passing of this Act.

THE SCHEDULE REFERRED TO IN THIS ACT.

Original Memorial of Directors to Secretary and Members.

Memorial made the day of of the names of the present Directors, Secretary, Treasurer and Members of the "Union Bank of Calcutta," pursuant to an Act of the Legislative Council of India passed in the year of Christ 1845, intituled "an Act to enable the Union Bank of Calcutta to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company."

C. D. of
and } Directors.
E. F. of

G. H. Secretary.

I. J.
K. L., &c. } Proprietors.

I, C. D., one of the Directors or Secretary of the Union Bank, do solemnly and sincerely declare that the above written Memorial doth contain the names of the present Directors, Secretary, Treasurer and of all the present Proprietors of the said Union Bank as the same appear in the books of the said Union Bank, and make this solemn declaration conscientiously believing

believing the same to be true and by virtue of the provisions of the Act substituting declarations in lieu of Oaths and Affirmations.

(Signed) C. D.

Declared, &c. before me,
Master of the Supreme
Court of Judicature,

In the case of change of Directors or Secretary.

Memorial made the day of of the names of the new Directors or Secretary of "The Union Bank," and of the persons in whose places they have (or he has) been appointed pursuant to an Act passed in the year of Christ 1845, intituled, &c.

E. F. of Director in the place of A. B.

G. H. of Secretary in the place of C. D.

I, E. F., one of the Directors, Treasurer or Secretary of the said Union Bank, do solemnly and sincerely declare that the above written Memorial contains the names of the new Secretary or Treasurer or Directors of the said Union Bank, and of the persons in whose place they have (or he has) been appointed as the same appear in the books of the said Union Bank, and I make this solemn declaration, &c. (as before.)

(Signed) E. F.

Declared, &c. &c.

N. B. The last Memorial as to new Directors or Secretary or Treasurer, was enrolled on the day of 18

In the case of retirement of Members.

Memorial made the day of the names of the persons who have ceased or discontinued

tinued to be Members of the Union Bank of Calcutta, since the day of being the date of the Memorial last registered respecting the Members of the said to an Act passed, &c. intituled, &c.

A. B. of

I, E. F. of one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above Memorial doth contain the name or names of the persons who have ceased or discontinued to be Members of the said Union Bank since the day of and I make this solemn declaration (as before.)

(Signed) E. F.

Declared, &c. &c.

N. B. The last Memorial as to retirement of Members was enrolled on the day of One Thousand Eight Hundred and

In case of new Members.

Memorial of the day of of the names of the persons who have become new Members of "the Union Bank of Calcutta" since the day of One Thousand Eight Hundred and (being the date of the Memorial last registered respecting new Members of the said Union Bank,) enrolled pursuant to an Act, &c.

J. K. of

L. M. of

I, A. B., of , one of the

Directors

Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above Memorial doth contain the names of the persons who have become new Members of the said Union Bank since the [redacted] One Thousand Eight Hundred and , and I make this solemn declaration, &c. (as before)

(Signed) A. B.

Declared, &c. &c. &c.

N. B. The last Memorial as to new Members was enrolled on the day of One Thousand Eight Hundred and

Memorial made the day of

Memorial of several changes.

of the names of the new Directors and Secretary of the Union Bank of Calcutta, and of the persons in whose place they have respectively been appointed, and of the names of the persons who have ceased or discontinued to be Members of the said Union Bank, and of the new Members of the said Union Bank enrolled pursuant to an Act passed, &c.

Names of the new Directors and of the persons in whose places they have been appointed.

F. F. of in the place of A. B. of

G. H. of in the place of C. D. of

Names of the persons who have ceased to be Members.

A. B. of

C. D. of

Names of New Members.

J. K. of

L. M. of

I, E. F., of one of the Directors or Secretary of the

the said Union Bank, do solemnly and sincerely declare that the above written Memorial doth contain the names of the new Directors and Secretary of the said Union Bank and of the [illegible] whose places they have been appointed, and [illegible] the [illegible] Members of the said Union Bank, and of the new Members of the said Union Bank, as the same respectively appear in the books of the said Union Bank, and I make this Solemn Declaration, &c. (as before.)

(Signed) E. F.

Declared, &c.

N. B. The last Memorial as to new Secretary was enrolled on the day of One Thousand Eight Hundred and

The last Memorial as to new Directors was enrolled on the day of One Thousand Eight Hundred and

The last Memorial as to the retirement of Members was enrolled on the day of One Thousand Eight Hundred and

The last Memorial as to new Members was enrolled on the day of One Thousand Eight Hundred and

Calcutta, 1845.—Printed at the Bengal Military Orphan, Press, by G. H. Huttmann.

ACT No. XXIV. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 22d November 1845, with the assent of the Right Hon'ble the Governor General of India.

An Act for establishing a Court for the trial of Officers of the Pilot Service accused of breach of duty.

I. IT is hereby enacted, that from and after the First day of January next, if any person employed in the Pilot Service of the East India Company, at the Presidency of Fort William in Bengal, shall be accused of having committed any breach of duty while engaged in such Service, and it shall appear to the Superintendent of Marine that such person ought to be brought to trial for such breach of duty, such person shall be brought to trial before a Court, consisting of a President and two Merchants of Calcutta, four Commanders of British Ships and two Branch Pilots or Master Pilots of the East India Company's Service, as Members.

II. And it is hereby enacted, that the said President shall be such person as shall be, from time to time appointed for that purpose by the Governor of Bengal.

III. And

III. And it is hereby enacted, that whenever it shall appear to such Superintendent of Marine that any person employed in the said Pilot Service ought to be brought to trial before such Court, the said Superintendent shall convene such Court by giving notice to the said President, and summoning by writing under his hand any two Merchants of Calcutta, any four Commanders of British Ships lying in the Port of Calcutta and any two Branch Pilots or Master Pilots of the East India Company's Service, to appear for the purpose of holding such trial at a time and place to be subsequently intimated to them by the Judge Advocate appointed to conduct the Proceedings of such Court. Provided always that every Court to be held under this Act shall consist of the President, and at least four Members, and that the decision shall in every case be according to the votes of the majority, and that in case of equality of votes the President shall have a casting vote.

IV. And it is hereby enacted, that if after the Court shall have been convened the President shall be prevented by sickness or any other cause from attending the sai[illegible] it shall be lawful for the Members of the said Court, not l[illegible] five in number, to elect one from among themselves, w[illegible] the functions of President of the said Court until the end of the trial.

V. And it is hereby enacted, that if any person summoned, as aforesaid, shall neglect or refuse to attend in pursuance thereof, or to remain in attendance to the end of such trial without sufficient cause, then it shall be lawful for the said Superintendent of Marine to impose upon any such person a fine not exceeding the sum of Rupees 200 for every such default, and every Justice of the Peace for the Town of Calcutta is hereby authorized and required upon representation made to him in writing and signed

signed by the said Superintendent, to enforce the payment of such fine in like manner as if such fine had been imposed by himself.

VI. And it is hereby enacted, that the proceedings before such Court shall be conducted on the part of Government by such person as the Governor of Bengal shall from time to time appoint as Judge Advocate for that purpose.

VII. And it is hereby enacted, that it shall be lawful for the said Judge Advocate, and he is hereby authorized and required either at the request of the party accused, or of the party making the accusation, or of the said Court, by writing under his hand to summon any person whatsoever, to attend as a witness at a time and place to be specified in such summons for the purpose of being examined at any trial before a Court constituted as aforesaid, or if such person shall be about to depart from Calcutta so as to be unable to attend at such trial without serious inconvenience, then to be examined before the President of the said Court, and any two M[illegible] of the said Court, provided always that due notice of the time an[illegible] examination shall be given to the person against whom a [illegible]out to be preferred, and provided also, that such witness may never[illegible]less be examined at the trial if he shall be able to attend thereat in which case his previous examination may also be read at the trial.

VIII. And it is hereby enacted, that every witness duly summoned to attend any such Court or President and two Members, shall during his necessary attendance on such Court or President and two Members, and in going to and returning from the same, be privileged from arrest, and shall, if arrested in breach of such privilege, be discharged

discharged by such Court or President and two Members, or by the Supreme Court, or any Judge thereof, or by any Justice of the Peace in and for the Town of Calcutta upon its being made to appear to such Court or President and two Members constituted by this Act, or to such Supreme Court, or Judge, or to such Justice of the Peace by affidavit in a summary way that such witness was arrested in going to or returning from or attending upon such Court or President and two Members constituted by this Act, and that every witness so duly summoned to attend as aforesaid, who shall not attend on such Court or President and two Members, or who attending shall refuse to give evidence on Oath or Solemn Affirmation or Declaration, or to answer all such questions as the Court or President and two Members may legally demand, shall be liable to be attached in the Supreme Court, upon complaint made in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

IX. And it is hereby enacted, that every Member assisting at every such Court before the commencement of any proceeding, to be had before it shall take the following Oath upon the Holy Evangelists, which Oath shall be administered by the President of such Court to the other Members thereof, and to the President by the Judge Advocate, that is to say,

"I, A. B., do swear that I will duly determine and administer Justice according to the evidence in the matter that shall be brought before me, and that I will not divulge the sentence till it shall be approved of by competent authority, neither will I at any time divulge the vote or opinion of the President, nor my own vote, nor that of any Member of this Court unless required to give evidence thereof as

a Witness by a Court of Justice in due course of Law. So help me God."

X. And it is hereby enacted, that the Judge Advocate who is to conduct the Proceedings of the said Court shall take the following Oath, which Oath shall be administered by the President.

"I, A. B., do swear that I will not upon any account whatsoever disclose or discover any vote or opinion of the President or any particular Member of this Court unless required to give evidence thereof as a witness by a Court of Justice in due course of Law. So help me God."

XI. And it is hereby enacted, that every Witness before any such Court or President and two Members, shall be examined upon Oath, which such Courts and President and two Members are hereby authorized to administer. Provided always that in all cases wherein a Solemn Declaration or Affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an Oath, the said Court or President and two Members constituted by this Act, shall substitute such Solemn Declaration or Affirmation for an Oath.

XII. And it is hereby enacted, that any person wilfully and knowingly giving false testimony on Oath or Solemn Declaration or Affirmation in any case in which an Oath or Solemn Declaration or Affirmation is by this Act required to be made, shall be deemed guilty of wilful and corrupt perjury, and being duly convicted, shall be liable to the pains and penalties of perjury.

XIII. And it is hereby enacted, that if the party against whom a charge is perferred shall appear, or shall not satisfy the Court that he has

a reasonable excuse for not appearing, the said Court shall proceed to hear and determine the charges preferred by the said Superintendent against any person or persons so employed in the Pilot Service as aforesaid, and if such person or persons shall be found guilty by the said Court of the breach of duty laid to his or their charge, it shall be competent to the said Court, and it is hereby required to sentence such person or persons to dismissal from the said Pilot Service, or to such other punishment by loss of rank or pay as to the said Court shall appear fit, whether or not such breach of duty be punishable under a certain Code called the Penal Code for the better order and government of the Members composing the Pilot Service, passed by order of the Right Hon'ble the Vice President in Council, on the 21st December 1826.

XIV. Provided always, and it is hereby enacted, that in all cases wherein the charge preferred before such Court is a charge of a breach of duty punishable under the said Code, the said Court shall award such punishment as is prescribed for such breach of duty in the said Code and no other.

XV. Provided also, and it is hereby enacted, that the said Code shall remain in full force as regards the several breaches of duty therein specified, but that it shall be competent for the said Superintendent of Marine, and he is hereby empowered in any case of breach of duty not specified in the said Code, to frame such charge as shall be applicable to the facts of the case and to prefer the same to the said Court.

XVI. Provided always, and it is hereby enacted, that nothing in this Act contained shall prevent the said Superintendent from deciding summarily

summarily in cases in which he was empowered to decide summarily before the passing of this Act.

XVII. And it is hereby enacted, that the proceedings of such Court shall be sent on completion of the trial to the Superintendent of Marine, and it shall be lawful for the said Superintendent of Marine, to send back the proceedings to the Court for revision of the finding or sentence or both.

XVIII. And it is hereby enacted, that every finding and sentence of such Court as aforesaid shall be subject to the approval of the Governor of Bengal, and that no such finding or sentence shall be considered final or conclusive until it has been submitted to and approved by the Governor of Bengal who is hereby empowered to remit any part or the whole of such sentence as he shall think fit, and that every such sentence either of dismissal from the service or of loss of rank or pay upon being confirmed or mitigated by the said Governor of Bengal, shall be considered valid and effectual from the date of such confirmation or mitigation and shall be forthwith carried into effect.

XIX. And it is hereby enacted that it shall be lawful for the said Superintendent of Marine to make such Rules for conducting the Proceedings and regulating the practice of the said Courts, and for carrying into effect the purposes of this Act as to the said Superintendent shall seem expedient, and all such Rules shall be submitted to the Governor of Bengal, and shall have full effect after they shall have been confirmed by the Governor of Bengal.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press by G. H. Huttmann.

ACT No. XXV. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 20th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for regulating the time of sailing of Ships carrying Emigrants from Madras to Jamaica, British Guiana and Trinidad.

WHEREAS by Section VIII. Act XXI. of 1844, it was amongst other things enacted, that no Ship or Vessel carrying Emigrant Laborers to Jamaica, British Guiana, or Trinidad, should sail from Calcutta, Madras, or Bombay, at any other time than between the 30th day of any September, and the 1st of March next, thereafter ensuing:

And whereas the said provision is found to be inconvenient so far as regards Ships or Vessels carrying Emigrant Laborers from Madras:

It is therefore hereby enacted, that so much of the said Act as is hereinbefore recited be repealed so far as regards such last mentioned Ships or Vessels.

II. And

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXVI. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act to regulate the granting and withholding Licences for the Sale of Liquors within the Town of Calcutta.

I. IT is hereby enacted, that all powers and duties now vested by Law in the Justices of the Peace with respect to granting and withholding Licences for the sale of Arrack or other Spirituous or Fermented Liquors within the Town of Calcutta, shall from and after the passing of this Act, be vested in and discharged by any person whom the Governor of Bengal may appoint for that purpose.

II. And it is hereby enacted, that the Governor of Bengal shall have authority at all times to regulate the form of Licences to be granted for the sale of Arrack and other Liquors as aforesaid in the Town of Calcutta, and to vary and add to the terms and conditions thereof.

III. And

III. And it is hereby enacted, that whenever a Licence to sell Arrack or other Liquors as aforesaid shall be granted under the provisions of this Act, the Officer granting such Licence shall be authorized to demand in consideration of the privilege granted, such fee, tax or duty as may from time to time be fixed under the sanction of the Governor of Bengal, and such fee, tax or duty may be made payable in advance, or at such period as may be settled by the Officer granting the Licence.

IV. And it is hereby enacted, that it shall be lawful for the Officer granting such Licence to withhold or recal the same, in case the fee, tax or duty aforesaid be not duly paid according to the conditions upon which such Licence shall be granted. And any person vending Arrack or other Liquors as aforesaid within the Town of Calcutta, whilst such Licence shall be withheld, or after it shall have been recalled as aforesaid, shall be liable to all the penalties for vending Arrack or other Liquors as aforesaid without a Licence.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXVII. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for enabling Assistant Magistrates vested with special powers to decide Cases under the Provisions of Act IV. of 1840.

I. IT is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, Assistant Magistrates vested with special powers, shall be competent to decide cases under the provisions of Act IV. of 1840 when such cases are referred to them by the Magistrates to whom they are subordinate, and that such Assistants shall deal with such cases in the same way as Magistrates are competent to deal with them under the said Act.

II. Provided always that the Magistrates may at all times recal from such Assistants any depending cases which may have been referred to them under this Act, and which for the more speedy administration of justice or for any other reason, the Magistrates may deem it proper to determine themselves in the first instance.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXVIII. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for the improvement of the Administration of Justice and despatch of Business in the Supreme Court of Judicature at Fort St. George.

I. IT is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Fort St. George, when occasion shall so require to sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of Business in the said Supreme Court, and that all proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Gaol Delivery under the Charter of the said Court.

II. And

II. And it is hereby farther enacted, that all Business of what nature or kind soever which the said Supreme Court of Judicature at Fort St. George may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all proceedings whatever before the said Court out of Term, shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had in Term, and that all Rules and Orders of the said Court as to all Judgments, Executions or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions, or other Proceedings given, issued or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

Calcutta, 1846.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXIX. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.

I. IT is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, with the consent of the Governor General of India in Council, whenever the state of Civil Judicial business may render it expedient, to appoint in any Zillah, within the Territories subject to the Presidency of Bombay, a Joint Judge, who shall be vested with co-extensive powers and a concurrent jurisdiction with the Judge of the Zillah, except that he shall not keep a file of Civil Suits, but shall transact such Civil business only as he may receive from the Judge of the Zillah.

II. And it is hereby enacted, that the Rules and Regulations at present in force, or which may hereinafter be enacted for the guidance of the Judge, shall be equally applicable to the Joint Judge.

III. And it is hereby enacted, that previous to exercising the functions of his Office, the Joint Judge shall take the oath prescribed for the Judge,

Judge, with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

IV. And it is hereby enacted, that the seal of the Joint Judge shall be the same as is used by the Judge of the Zillah.

V. And it is hereby enacted, that it shall be lawful for the said Governor in Council, with the consent of the said Governor General in Council, whenever the state of Criminal Judicial business may render it expedient, to appoint in any Zillah within the said Territories a Joint Session Judge who shall be vested with co-extensive powers and a concurrent jurisdiction with the Session Judge of the Zillah, except that he shall not receive original complaints, but shall transact such Criminal business only as he may receive from the Session Judge of the Zillah.

VI. And it is hereby enacted, that the Rules and Regulations at present in force or which may hereafter be enacted for the guidance of the Session Judge, shall be equally applicable to the Joint Session Judge.

VII. And it is hereby enacted, that previous to exercising the functions of his Office, the Joint Session Judge shall take the oath prescribed for the Session Judge with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

VIII. And it is hereby enacted, that the seal of the Joint Session Judge shall be the same as is used by the Session Judge of the Zillah.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, G. H. Huttmann.

ACT No. XXX. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, with the assent of the Right Hon'ble the Governor General of India.

An Act for enabling Session Judges within the Madras Presidency to award fines in compensation to injured parties.

IT is hereby enacted, that from the 1st day of February 1846 it shall be competent to the Session Judges within the Presidency of Fort St. George in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to Magistrates to award fines under Clause Second, Section XXXIX. Regulation IX. 1816 of the Madras Code.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXXI. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for exempting the Pensions of Soldiers and others from Attachment by Process of the Courts of the East India Company.

I. IT is hereby enacted, that the reduced pay or pension, however denominated, of Invalid Officers and Soldiers and Retainers of the Bombay Army, or any other monthly or annual pecuniary allowance granted on retirement from the public service, by the authority of the Governor in Council of Bombay, to any person in consideration of past services and present infirmities or old age for the term of the life of such worn-out or disabled Officer or Public Servant shall not from and after the passing of this Act be liable to seizure, attachment or sequestration by the process of any of the Courts of the East India Company within the said Presidency, at the instance of a Creditor for any demand against the Pensioner, or in satisfaction of a decree or order of any such Court, nor any money due or to become due on account of such pension or allowance, unless the same have been assigned or made over by the Pensioner by a writing under his signature executed previous to the passing of this Act, any Law or Regulation to the contrary notwithstanding.

II. And

II. And it is hereby enacted, that all assignments, bargains, sales, contracts, agreements or securities whatsoever made after the passing of this Act by such Pensioner as described in the foregoing Section, for any money to become due thereafter on account of such pension, shall be null and void and of no effect, any Law or Regulation to the contrary notwithstanding. Provided always that nothing herein contained shall be construed to prevent or render null the assignment of money due on account of a pension or monthly or annual pecuniary allowance, by a writing under the signature of the Pensioner executed on or after the date when the same shall become due.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXXII. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act to modify Regulation I. of 1820 *of the Madras Code, relative to Manufacturing Spirituous Liquors by the European process of distillation.*

I. WHEREAS it is expedient to modify Regulation I. of 1820 of the Madras Code, and to allow persons manufacturing Spirituous Liquors by the European process of distillation to dispose of the same under certain conditions for consumption within the Territories of the Presidency of Fort St. George: and whereas it is desirable to remove certain doubts which have existed as to whether European British subjects are equally with other parties amenable to the Local Authorities in the Provinces for offences committed in violation of the said Regulation I. of 1820 of the Madras Code, it is hereby enacted, that Clauses 2 and 3, Section IV. Regulation I. 1820 of the said Code, be repealed.

II. And it is hereby enacted, that the Licences to be granted under Section IV. Regulation I. 1820 of the Madras Code, for the establishment of all Distilleries for manufacturing Rum, Arrack or other Spirits by process of distillation

distillation similar to the European system, shall be prepared according to a form to be approved by the Board of Revenue, and shall contain a stipulation that the whole of the Spirituous Liquor manufactured at such Distillery shall be exported by Sea, or shall be sold only to the Civil or Military Officers of Government empowered to purchase the same on account of the Public Service, or to Abkarry Renters for retail sale within the limits of their respective farms, but not to the licenced retail dealers of Madras contemplated by Section VII. Regulation I. 1813 of the Madras Code.

III. And it is hereby enacted, that any person, whether European or not, who in breach of the stipulation in his Distillery Licence held under the provisions of the foregoing Section and of Clause 1, Section IV. Regulation I. 1820 Madras Code, shall directly or indirectly, sell or permit to be sold any such Spirituous Liquors to any European Sailor or Soldier, or to any Native of India, or other person, save and except to those persons to whom it is hereinbefore declared that such Liquors may be lawfully sold, shall, on proof thereof to the satisfaction of the Collector of Revenue, by whom such Licence shall have been granted be liable to the forfeiture of his Licence, or to a fine not exceeding Rupees 1,000 for every such offence, subject to the confirmation of the Board of Revenue, to whose final decision every such case shall be referred.

IV. And it is hereby enacted, that European British subjects, as well as other parties guilty of the offences specified in Regulation I. of 1820, shall on conviction before the Session Judge or Subordinate Judge of the Zillah, be subject to the penalties therein severally and respectively provided against the commission of such offences save and except that no European British subject shall in any case be liable to hard labor when imprisoned in pursuance of a sentence passed upon him under that Regulation, but that

any

any fines which may be imposed for acts done in breach of the provisions of the said Regulation or of the provisions of Sections 2 and 3 of this Act, shall in default of payment be recovered by the distress and sale of the property of the parties against whom such fines shall have been adjudged.

V. And provided also, that it shall be lawful for the Session Judge or Subordinate Judge of the Zillah in sentencing any European British subject to imprisonment to direct that the imprisonment shall be in the Gaol at Madras.

VI. And it is hereby enacted, that the Gaoler of the Gaol at Madras shall receive into the said Gaol any European British subject so sentenced as aforesaid and keep him there imprisoned during the term of his sentence in the same manner as if he had been sentenced by the Supreme Court.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

INDEX TO ACTS.

1846.

INDEX

TO THE

ACTS OF THE GOVERNMENT OF INDIA,

FOR 1846.

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
A.	1846.			
Act XIII. of 1838—repealed,...	I	I.	.....	General.
See Pleaders.				
Administration of the Bhuttee Territory.				
See Bhuttee.				
Agra—See Settlements.				
Ahmednuggur—Certain portion of the Territory in the Zillah of—exempted from the operation of Regulations.				
See Nundoorbar.				
Allahabad—See Settlements.				
Allyghur—See Settlements.				
Arrears of Rent—Under what engagements property distrained for—may be restored to parties claiming the same,	X.	I.	.....	Bengal.
„ In default how the distrainer shall recover the value of the property distrained,.....	„	II.		
„ Summary award of Collectors in such cases not to be set aside by a suit filed after a certain period,.....	„	III.		
See Regulations.				

Attachment

	Acts.	Section.	Clause.	Territorial Scope of the Acts.
	1840.			
Attachment of Lands in execution of decrees and other process of Civil Courts. See Sale.				
Azimghur—See Settlements.				
B.				
Banda—See Settlements.				
Bareilly—See Settlements.				
Barristers of H. M.'s Courts in India—may plead in Sudder Courts, ... See Pleaders.	I.	V.	.. ..	General.
Bhuttee Territory—The Judicial and Revenue administration of—vested in an Agent and Assistant to be appointed by the Governor General in Council, ...	VI.	II.	.....	N. W. P.
„ Rules to be prescribed for that purpose by the Governor General in Council,.....	„	III.		
„ Nizamut Adawlut shall pass final judgment on criminal trials referred by the Agent,	„	IV.		
„ Sudder Dewanny Adawlut shall decide appeals from the decree of the Agent,.....	„	V.		
Bijnour—See Settlements.				
Boats and Catamarans—The Governor in Council of Madras may make Regulations similar in principle to that of Act IV. of 1842, for				

all

	Acts.	Section.	Clause.	Territorial Scope of the Acts.
	1846.			
all Ports and other places of Anchorage respecting, ...	IX.	.....	... .	Madras.
Boolundshahur — See Settlements.				
Boundaries of Fields how to be marked for distinguishing their limits, ...	III.	I.	.....	Bombay.
„ Requisition for erecting such marks how to be served, ...	„	II.		
„ Owners or Occupants failing to comply with the requisition, how and by whom its object is to be accomplished,	„	III.		
„ Claims of persons out of possession of fields, the cost of the boundary marks of which has been charged to the Revenue of the Village, for a right of ownership shall not be allowed until they shall have made good such charges.	„	IV.		
„ Penalty for removing or injuring such marks, ...	„	V.		
„ Authority for the assessment and realization of costs or penalties in whom to be vested, and the same how to be exercised, ...	„	VI.		
„ Form of Requisition, ...	„			
Budaon—See Settlements.				
C.				
Candeish—Certain portion of the Territory in the Province				

of.

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
of—exempted from the operation of general Regulations. See Nundoorbar.				
Catamarans—See Boats.				
Cawnpore—See Settlements.				
Cotton Wool unscrewed may be exported free of duty from any subordinate Port of the Bombay Presidency to the Port of Bombay, and from any Madras Port which may be exempted from duty, ...	II.	I.	.....	Bombay and Madras.
„ May be imported into Bombay from any part of the Continent of India free of duty.	„	II.		
D.				
Decrees, Execution of—upon Lands. See Sale.				
Delhi—See Settlements.				
Diet Money for Witnesses in petty cases may be regulated by the Magistrates, ...	VII.	.....	.....	Bengal and N. W. Provinces.
Distraint of property for arrears of rent—See Arrears.				
E.				
Estates attached and sold in execution of Decrees of Civil Courts. See Sale.				
Etawah—See Settlements.				
Execution of Decrees upon Lands. See Sale.				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
F.				
	1846.			
Field boundary marks — See Boundaries.	.....	.....	.....	Bombay.
Furruckabad—See Settlements.				
Futtehpore—See Settlements.				
G.				
Goorgaon—See Settlements.				
Goruckpore—See Settlements.				
H.				
Hissar—See Settlements.				
Humeerpore—See Settlements.				
J.				
Jummah, Government—of Villages in the Districts in the N. W. Ps.—See Settlements.				
K.				
Kookurmoondah — See Nundoorbar.				
L.				
Lands, sale of—in execution of Decrees—See Sale.				
Leases of Villages in the unsettled Districts in the N. W. Ps. —See Settlements.				
M.				
Madras Port Regulations—See Boats.				

Meerut

	Acts.	Section.	Clause.	Territorial Scope of the Acts.
	1846.			
Meerut—See Settlements.				
Moonsiff's Court—Pleaders in —See Pleaders.				
Moradabad—See Settlements.				
Mozuffernuggur — See Settlements				
Muttra—See Settlements.				
Mynpooree—See Settlements.				
N.				
North Western Provinces—Period of Settlement of Villages in Districts in the—defined—See Settlements.				
Nundoorbar, Sooltanpore and Kookurmoondah,—The Judicial, Police and Revenue administration of Pergunnahs of—in the Province of Candeish and the Zillah Ahmednuggur vested in an Agent and Assistants to be appointed by the Governor.	XI.	II.	.....	Bombay.
„ Rules for the guidance of the Agent and Assistants to be prescribed by the Governor in Council in respect of decisions in Judicial matters....	„	III.		
„ Final judgment to be passed by the Sudder Foujdarree Adawlut on criminal trials referred by the Agent.	„	IV.		
„ Sudder Dewanny Adawlut shall decide appeals from the decree of the Agent.	„	V.		

P.	*Acts.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
Panchayat—See Settlements.				
Pleaders—Office of—in Company's Courts open to all persons of approved qualification.....	I.	IV.	.....	General.
„ Barristers of H. M.'s Courts in India may act as—in the Sudder Courts subject to rules applicable to Pleaders.	„	V.		
„ Parties may settle remuneration to authorized—Costs awarded to parties in regular suits, and appeals and other cases how to be regulated. ...	„	VII.		
„ Private agreements between parties and Pleaders respecting their remuneration how to be enforced.	„	VIII.		
„ Parties may settle with authorized—the remuneration for legal opinions.....	„	IX.		
„ May be fined by Principal Sudder Ameens and Sudder Ameens subject to appeal to Zillah Judges.	„	X.		
„ Rules applicable to—in the Zillah Judges' Courts shall be applicable to Pleaders in the Moonsiffs' Courts.	„	XI.		
„ Moonsiffs may fine—subject to appeal to the Zillah Judge.	„	XII.		
„ Act not to affect Vakeels in the Village Moonsiffs' Courts or employed before the Village or District Punchayets				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
or the Collectors of Zillahs under Regulation IV, V, VII, and XII of 1816 of the Madras Code.—(See Regulations.)...	I.	XIII.		
Police of Surat—See Surat.				
Port Regulations for Madras.—See Boats and Catamarans.				
Principal Sudder Ameen's Courts—Pleaders in — See Pleaders.				
R.				
Regulation XXIII. 1814, Section 15.				
„ XXVI. 1814, Clause 7, Section 2, Clause 11, Section 3, Clause 4, Section 8.				
„ XXVII. 1814, Clause 3, Section 3, Section 7, Clause 1, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Clause 1, Section 39.				
„ XXVIII. 1814, Clause 2, Section 10.				
„ XIX. 1817, Section 9.				
„ XI. 1826, Section 6.				
„ V. 1831, Section 30				
„ IX. 1831, Section 7.				
„ VII. 1832, Section 2.				
„ XII. 1833, of the Bengal Code and Act No. XIII. of 1838, repealed.	„	I.	.....	Bengal.
„ VI. 1816, Clauses 2 and 3, Section 14.				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
Regulation XIV. 1816, Section 7, Clause 1, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35.				
„ XV. 1816, Clause 7, Section 4, Clause 11, Section 5, Clause 4, Section 8.				
„ I. 1827, Clause 3, Section 6.				
„ VII. 1827, Clause 3, Section 6.				
„ VI. 1828, Section 5.				
„ IV. 1832, Section 4, of the Madras Code—repealed.	I.	II.	.....	Madras.
„ II. 1827, Clause 3, Section 17, Clause 2, Section 48, Section 55 of the Bombay Code.				
„ XXIX. 1827, so much of Clause 1, Section 7, of—as empowers the Deccan and Kandeish Judges to examine and grant Certificates to Pleaders—repealed.....	„	III.	.....	Bombay.
„ XXVII. 1814, Section 25 of the Bengal Code, ...	.....	.....	.....	Bengal.
„ XIV. 1816, Section 25 of the Madras Code, ...	.....	.....	.....	Madras.
„ I. 1827, Section 52 of the Bombay Code shall cease to be enforced except for the purpose mentioned,.....	„	VI.	.....	Bombay.
„ XXVII. 1814, so much of Section 20 of the Bengal Code and of				
„ XIV. 1816, Section 20 of the Madras Code as prescribe				

rates

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
rates of fees to Pleaders for legal opinions, repealed—See Pleaders.	I.	X.		
„ I. 1793, so much of Sections 10 and 11 of—as relates to the adjustment of the Government Jumma on lands exposed to public sale in satisfaction of Decrees.				
„ XXVII. 1795, Section 7, do. do.				
„ XXV. 1803, Sections 37 and 38, do. do.				
„ IX. 1805, Sections 27 and 28, do. do.				
„ XLV. 1793,				
„ XX. 1795,				
„ XII. 1796,				
„ XXVI. 1803, Sections 15 to 26, and so much of Sections 27 and 28 of the same Regulation as relates to the satisfaction of Decrees,				
„ VII. 1825, Clauses 2 and 3, Section 4, Bengal Code, repealed.....	IV.	I.		
Regulations which extend any of the above Regulations also repealed, ...	„	II.		
Reg: IV. of 1830, so much of Clause 1, Section 1,—of Bombay Code, as reserves to the control of the Judge and his Assistants, the Police jurisdiction of Surat—repealed....	V.	....	.....	Bombay Regulations.

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
Regulation V. of 1832, of the Bengal Code shall cease to have effect in the Bhuttee Territory.	VI.	I.		
III. 1812, Clause 1, Section 2, of Bengal Code, modified.	VII.			
VII. 1799, Section 9,				
V. 1800, Section 9,				
XXVIII. 1803, Clause 2, Section 17, of the Bengal Code, respecting arrears of rent, modified.	X.	.....	.....	Bengal.
XXIX. of 1827, so much of Appendix A, of—Bombay Code, as declares the Villages contained in the Schedule annexed to Act XI. of 1846, and the lands attached thereto subject to the Regulations for the administration of Civil and Criminal Justice in the Bombay Presidency, repealed.....	XI.	I.		
Remuneration of Pleaders in the Company's Courts—See Regulations, Acts and Pleaders.				
Rohtuck—See Settlements.				
S.				
Sale of Lands in execution of Decrees—certain Regulations of the Bengal Code relating to, repealed..... See Regulations.	IV.	I.	.....	Bengal and N. W. P.

	Acts.	Section.	Clause.	Territorial Scope of the Acts.
	1846.			
Sale of lands.—Regulations which extend any such Regulations also repealed	IV.	VII.		
„ Attachments and sales of lands in satisfaction of Decrees or other Process shall be made by Civil Courts (those in the North Western Provinces excepted) or under their directions according to the existing Rules relating thereto.	„	III.		
„ What particulars a decree-holder shall furnish with his application to the Civil Court for the sale of lands paying revenue to Government.	„	IV.		
„ What amount to be deposited by the purchaser at such sales and the same how disposable in case of default of payment of the purchase money, and the land how to be sold afterwards.	„	V.		
„ Collectors or their Subordinate Officers in the North Western Provinces may attach and sell lands in satisfaction of Decrees upon the requisition of Civil Courts except in cases specified.....	„	VI.	.....	N. W. P.
„ In the said Provinces such requisitions shall contain what particulars.	„	VII.		

	Acts.	Section.	Clause.	Territorial Scope of the Acts.
Sale of Lands. In the said Province the Collector shall issue a proclamation of an intended sale and to what effect.	1846. IV.	VIII.		
.. In the said Provinces, Section V. of this Act shall be applicable to such sales.	,,	IX.		
,, Definition of the nature of such sales	,,	X.		
,, Rules to be framed by the Sudder Courts and approved by the Governor General in Council.....	,,	XI.		
,, Act not to affect applications made by the Civil Courts to the Revenue authorities for the sale of lands before the passing of this Act.	,,	XII.		
,, Act not to affect processes of the Supreme Court, Court of Requests, or the Courts in the Straits Settlements.....	,,	XIII.		
Seharunpore — See Settlements.				
Settlements of Villages in Districts in the North Western Provinces — Period of the existing—defined.....	VIII.	I.	.....	N. W. P.
,, Jummah of Mouzahs transferred from the unsettled to permanently settled Districts not liable to increase.....	,,	II.		
,, Grants or Leases for longer period than those specified in the 1st Section may be held				

till

	Acts.	Section.	Clause.	Territorial Scope of the Acts.
	1846.			
til[illegible] grants or leases.....	VIII.	II.		
[illegible]re the ex[illegible] [illegible]agements prev[illegible] or [illegible] period [illegible] by parties of ther[illegible] to relinquish leases.....				
„ In default of such notice parties shall be bound to pay the Jummas as already settled till the settlement be revised or in perpetuity.....	„			
„ Government may always demand revenue from resumed rent-free lands, alluvial Towfeer, &c., not assessed at the Settlement.....	„	VI.		
Shajehanpore—See Settlements.				
Sooltanpore—See Nundoo Lar.				
Sudder Ameens' Courts—Pleaders in— See Pleaders.				
Surat. The Police jurisdiction of the City of—vested in the Magistrate..... See Regulation.				
V.				
Vakeels—See Pleaders.				
W.				
Witnesses—Diet money for—in petty cases may be regulated by the Magistrates.....		.....	.....	Bengal and N. W. P.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

Section 4, Clause Eleventh, Section 5, Clause Fourth, Section 8, Regulation XV. 1816, Clause Third, Section 6, Regulation I. 1827, Clause Third, Section 6, Regulation VII. 1827, Section 5, Regulation VI. 1828, Section 4, Regulation IV. 1832 of the Madras Code, be repealed.

III. And it is hereby enacted, that Clause Third, Section 47, Clause Second, Section 48, Section 55, Regulation II. 1827 of the Bombay Code; and so much of Clause First, Section 7, Regulation XXIX. 1827 of the same Code, as empowers the Zillah Judges of the Deccan and Kandeish to examine Pleaders and grant Certificates of qualification to practice in their Courts, be repealed.

IV. And it is hereby enacted, that the Office of Pleader in the Courts of the East India Company shall be open to all persons of whatever nation or religion, provided that no person shall be admitted a Pleader in any of those Courts unless he have obtained a Certificate in such manner as shall be directed by the Sudder Courts that he is of good character and duly qualified for the Office, any Law or Regulation to the contrary notwithstanding.

V. Provided nevertheless, and it is hereby enacted, that every Barrister of any of Her Majesty's Courts of Justice in India, shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the Rules in force in the said Sudder Courts applicable to Pleaders whether relating to the language in which the Court is to be addressed or to any other matter.

VI. And it is hereby enacted, that Section 25, Regulation XXVII. 1814, of the Bengal Code, Section 25, Regulation XIV. 1816, of the Madras Code, and Section 52, Regulation II. 1827, of the Bombay Code, shall cease

to

to be enforced, excepting for the purpose specified in Section VII. of this Act.

VII. And it is hereby enacted, that parties employing authorized Pleaders in the said Courts shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and that it shall not be necessary to specify such agreement in the Vakalutnama; provided that when costs are awarded to a party in any regular Suit, original or appeal, decided on the merits, against another party, the amount to be paid on account of fees of Pleaders, shall be calculated according to the Rules contained in the Sections of Regulations specified in Section VI. of this Act; and that when costs are awarded in other cases the amount to paid on account of such fees shall be one-fourth of what it would have been in a regular Suit decided on its merits.

VIII. And it is hereby enacted, that private agreements between parties and their Pleaders respecting the remuneration to be paid for professional services shall not be enforced otherwise than by a regular Suit.

IX. And it is hereby enacted, that so much of Section 20, Regulation XXVII. 1814, of the Bengal Code, and of Section 20, Regulation XIV. 1816 of the Madras Code, as prescribes the rate of fees to be received by authorized Pleaders for legal opinions, be repealed; and that persons taking such opinions from authorized Pleaders shall be at liberty to settle with them by private agreement the remuneration to be paid for such opinions.

X. And it is hereby enacted, that whenever a Pleader has rendered himself liable to a fine in the Court of a Principal Sudder Ameen or Sudder Ameen, it shall be competent to such Principal Sudder Ameen or Sudder

Ameen

Ameen to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.

XI. And it is hereby enacted, that the Rules applicable to Pleaders in the Courts of the Zillah and City Judges, shall henceforth be applicable, so far as they are capable of application, to Pleaders in the Moonsiffs' Courts.

XII. And it is hereby enacted, that whenever a Pleader has conducted himself in such a manner in the Court of a Moonsiff as would have rendered him liable to a fine if he had so conducted himself in the Court of a Zillah or City Judge, it shall be competent to such Moonsiff to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.

XIII. And it is hereby enacted, that nothing in this Act contained shall apply to Vakeels who may be employed in the Courts of the Village Moonsiffs, or before the Village or District Punchayets, or before the Collectors of Zillahs, under the Provisions of Regulations IV., V., VII. and XII. 1816 of the Madras Code.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. II. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act relating to unscrewed Cotton exported from the Continent of India and imported at the Bombay Presidency.

I. IT is hereby enacted, that unscrewed Cotton Wool shall be allowed to be exported from any Subordinate Port of the Bombay Presidency to the Port of Bombay, free of the Duty specified in Schedule B of Act No. I. of 1838, and to the Port of Bombay from any Port of the Madras Presidency, free of the Duty specified in Schedule B of Act No. VI. of 1844, to which Port of the Madras Presidency the Governor in Council thereof may from time to time be pleased by a Notification in the Official Gazette to grant such exemption of that Duty: Provided that the Cotton Wool so exported shall not be shipped on a Square-rigged Vessel.

II. And it is hereby enacted, that Cotton Wool shall be allowed to be imported into the Port of Bombay, from any part of the Continent of India, free of the Duty specified in Schedule A of the said Act No. I. of 1838.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. III. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for the establishment and maintenance of field boundary marks in the Presidency of Bombay.

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the public revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields:

I. It is hereby enacted, that it shall be lawful, within the territories subject to the Presidency of Bombay, for such Revenue Officers as the Governor in Council may entrust with that authority to require that marks be erected and maintained by the Owners or Occupants on the boundaries of fields, of such materials, and in such number as may appear to such Officers sufficient for permanently distinguishing the limits of those fields.

II. And

II. And it is hereby enacted, that the requisition shall be served on the persons owning or occupying each field according to the Form A. annexed to this Act, and in the event of these persons not being found in the Village, that the said requisition shall be posted at the Village Chowree or other conspicuous place in the Village, which shall be held to be a sufficient service.

III. And it is hereby enacted, that in default of the Owners or Occupants of the fields complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such field boundary marks, the cost of which shall be equitably apportioned on the fields which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, or if there are no such persons forthcoming, to the revenues of the Village in which the fields are situated.

IV. And it is hereby enacted, that no person being out of possession and claiming a right of ownership or occupancy in fields, the cost of erecting or maintaining whose [illegible]s has been charged to the revenues of the Village, in consequence of his neglecting to defray the same, shall have his claim admitted until he makes good all sums so charged.

V. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing, or injuring field boundary marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed, or injured, one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark.

VI.

VI. And it is hereby enacted, that authority for the assessment and realization of all sums due under the provisions of this Act, whether as costs or penalties, shall be vested in the Revenue Officers authorized to provide for the erection and maintenance of field boundary marks, and shall be exercised by them in conformity with the rules prescribed for the assessment and realization of Revenue demands in general, and that the proceedings of those Officers in all such matters shall be recorded in writing, and shall be subject to appeal to the Revenue Authorities to whom they are subordinate.

FORM A.

Whereas you are the Owner (Occupant as the case may be) of the field in the Village of you are hereby required to fix boundary marks to the said field (by ridging or raising mounds of earth at the angles, or in such other mode as may be determined) or to repair its present boundary, within days from this date, in default of which the same will be done by the Government Officers, and the cost recovered from you under Act III. of 1846.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. IV. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for amending the Law regarding the Sale of Land in Execution of Decrees in the Territories subject to the Presidency of Fort William in Bengal.

I. IT is hereby enacted, that so much of Sections 10 and 11, Regulation I. 1793, Section 7, Regulation XXVII. 1795, Sections 37 and 38, Regulation XXV. 1803, and Sections 27 and 28, Regulation IX. 1805, as relates to the Adjustment of the Government Jumma on lands exposed to public sale in satisfaction of the decrees of the Courts of Civil Judicature, Regulations XLV. 1793, XX. 1795, and XII. 1796, Sections 15 to 26, both inclusive) Regulation XXVI. 1803, so much of Sections 27 and 28 of the same Regulation as relates to the satisfaction of decrees, and Clauses Second and Third, Section 4, Regulation VII. 1825, all of the Bengal Code, be repealed

II. And

II. And it is hereby enacted, that all Regulations or parts of Regulations which extend any of the Regulations or parts of Regulations herein before repealed, be also repealed.

III. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, except the North West Provinces, attachments and sales of land, or of any interest in land in satisfaction of the decrees or other process of the Courts of Civil Judicature, shall be made by such Courts or under their directions, and that the Rules now in force for the attachment and sale of such real property as the Courts of Civil Judicature are now authorized to sell in satisfaction of decrees, without application to the Revenue Authorities, shall apply to attachments and sales made under the authority of this Act.

IV. And it is hereby enacted, in addition to the said Rules, that in the said Territories, except as aforesaid, whenever a holder of a decree of any Court of Civil Judicature shall apply to such Court for the sale in execution of any Estate paying Revenue to Government, or any portion of any such Estate, he shall, at the time of making such application, file an authenticated Extract from the Register of the Collector's Office, specifying the Jumma of such Estate, which shall be inserted in the Notification of Sale.

V. And it is hereby enacted, in addition to the said Rules, that in the said Territories, except as aforesaid, the purchaser at any such sale shall be required to deposit immediately either in Cash, Bank of Bengal Notes, or Post Bills, or Government Securities duly endorsed, fifteen per cent. on the amount of his bid, and in default of such deposit such land or interest therein shall forthwith be put up again and sold, and if the purchaser having

paid

paid the deposit required shall neglect or refuse to pay the purchase money, within the period which may be stipulated, the deposit shall be forfeited and shall be applied as if it were purchase money, and the land or interest therein, or such portion thereof as may be sufficient to satisfy what remains due, shall be again put up to sale, due notification having been first given.

VI. And it is hereby enacted, that in the North West Provinces of the Territories subject to the Presidency of Fort William in Bengal, attachments and sales of land or of any interest in land in satisfaction of the decrees or other process of the Courts of Civil Judicature, shall (except in the case of land which the Courts themselves are now by law authorized to attach and sell) be made by the Collector or any of his subordinate Officers under his directions, upon the requisition of such Courts.

VII. And it is hereby enacted, that in the last mentioned Provinces, every such requisition shall specify the number of the suit, the Court which made the decree, the amount to be realized, the names of the parties, distinguishing those whose land or interest it is intended to sell, and the amount for which each is liable, if they are severally liable, and the land or interest which each is alleged in the Schedule of the party applying for execution to be possessed of.

VIII. And it is hereby enacted, that in the last mentioned Provinces the Collector shall issue a Proclamation in the current language of the country of any intended sale of land or any interest therein, thirty days at least before the day appointed for the sale, exclusive of the day of sale, and of the day on which the Proclamation is issued, and the said Proclamation shall specify the name of the person whose land or whose rights and interests in certain land are to be sold, and the Jumma of the Estate constituting

constituting the property, or in which the property is situate; also particulars of the property to be sold, of the time and place of sale, and of the amount due for the recovery of which the sale is ordered, and such Proclamation shall be fixed up in some conspicuous place within the village or town in which the said land is situate, or which is nearest to the said land, and in the Cutcheries of the Local Moonsiff, of the Collector, of the Zillah or City Judge, and of the Court from which the requisition issued.

IX. And it is hereby enacted, that in the last mentioned Provinces the provisions contained in Section V. of this Act shall be applicable to sales of land or any interest in land in execution of decrees of Court or other Judicial process.

X. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, sales of land or of any interest in land in execution of decrees of Court or other Judicial process, shall be of the nature of private transfers.

XI. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, the Courts of Sudder Dewanny Adawlut shall, from time to time, frame such Rules as to them shall seem meet, and as shall not be repugnant to any thing in this Act contained, for the attachment and sale of property in satisfaction of decrees or other process of the Courts of Civil Judicature, which Rules shall, after they have been approved by the Governor General of India in Council, have the same force as if they had been part of this Act, until revoked by the said Courts of Sudder Dewanny Adawlut with the approbation of the said Governor General of India in Council, or by the said Governor General of India in Council.

XII. And

XII. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, all applications which may have been made by the Courts of Civil Judicature to the Revenue Authorities for the sale of land, or of any interest in land in satisfaction of decrees or other process of such Courts, previously to the passing of this Act, shall be proceeded upon as if this Act had not been passed.

XIII. And it is hereby enacted, that nothing contained in this Act shall affect the process of Her Majesty's Supreme Court of Judicature, or of the Court of Requests at Calcutta, or of any Court in the Settlements in the Straits of Malacca.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. V. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for placing the Police of Surat under the Magistrate.

WHEREAS it has been judged expedient that the Police jurisdiction of the City and Sudder Station of Surat should be vested in the Magistrate of the said Zillah:

It is hereby enacted, that so much of Clause 1st, Section 1, Regulation IV. of 1830 of the Bombay Code as reserves to the control of the Judge and his Assistants the Police jurisdiction of the City and Sudder Station of Surat, be repealed.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VI. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for the more convenient administration of the Government of the Country called the Bhuttee Territory.

WHEREAS much inconvenience has resulted from maintaining as a part of the Delhi Division, the large and thinly peopled tract of Country called the Bhuttee Territory, extending from the borders of the Hissar District to the Ghana or Sutlege:

I. It is hereby enacted, that from and after the 1st day of January 1847, the provisions of Regulation V. of 1832 of the Bengal Code, shall cease to have effect in the said Bhuttee Territory, consisting of the following Pergunnahs:

Durbah.	Sirsa.	Raneeah.
Goodah.	Mullout.	Wuttoo.

II. And it is hereby enacted, that from and after the said day the administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within the said Territory, shall vest in such Agent as the Governor General of India in Council shall appoint, and shall be exercised by the

said Agent with the aid of such Assistants as shall be appointed by the said Governor General of India in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor General of India in Council to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his controul and authority, in all Judicial and Revenue proceedings, and to determine to what extent the decision of the Agent in Civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Nizamut Adawlut.

IV. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the said Governor General of India in Council, the Nizamut Adawlut shall proceed to pass a final judgment, or such other order as may after mature consideration, seem to the Court requisite and proper and in conformity with the prescribed rules.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly preferred under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it as to them may seem right and proper and in conformity with the prescribed rules.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VII. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act regarding the Deposit of Diet Money for Witnesses in petty cases.

IT is hereby enacted, in modification of Clause 1, Section 2, Regulation III. 1812, of the Bengal Code, that in the Territories subject to the Presidency of Fort William in Bengal, it shall be lawful for the Magistrates to regulate the amount of Diet Money required for Witnesses in petty cases, with reference to the probable period such Witnesses may have to be in attendance, and in the event of the prolonged detention of Witnesses to direct the deposit of any further sum which to the said Magistrates may seem requisite.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VIII. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for determining the duration of the existing Settlement of the North Western Provinces.

WHEREAS the settlement of the several Districts of the North Western Provinces has been made for different periods, and whereas from several causes the duration of the settlement as stated in the engagements of the Malgoozars does not always agree with that sanctioned by the Government, and whereas it is necessary to avoid the confusion and litigation which may hence arise, and also to provide for the continuance of the existing settlements till a fresh revision shall take place :

I. It is therefore hereby enacted, that the Jummah of all villages included on 1st May 1846, within the limits of the Districts in the said Provinces noted below, shall be considered fixed till the date inserted opposite

site to each District, so far as regards the claim of the Government to any increase upon the Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May 1846.

Paneeput, July 1st 1872, one thousand eight hundred and seventy-two.

Hissar, July 1st 1860, one thousand eight hundred and sixty.

Delhi, July 1st 1870, one thousand eight hundred and seventy.

Rohtuck, July 1st 1870, one thousand eight hundred and seventy.

Goorgaon, July 1st 1872, one thousand eight hundred and seventy-two.

Sheharunpore, July 1st 1857, one thousand eight hundred and fifty-seven.

Mozuffernugger, July 1st 1861, one thousand eight hundred and sixty-one.

Meerut, July 1st 1865, one thousand eight hundred and sixty-five.

Boolundshehur, July 1st 1859, one thousand eight hundred and fifty-nine.

Allyghur, July 1st 1868, one thousand eight hundred and sixty-eight.

Bijnour, July 1st 1866, one thousand eight hundred and sixty-six.

Moradabad, July 1st 1872, one thousand eight hundred and seventy-two.

Budaon, July 1st 1866, one thousand eight hundred and sixty-six.

Bareilly,

Bareilly, July 1st 1867, one thousand eight hundred and sixty-seven.

Shajehanpore, July 1st 1868, one thousand eight hundred and sixty-eight.

Muttra, July 1st 1871, one thousand eight hundred and seventy-one.

Agra, July 1st 1872, one thousand eight hundred and seventy-two.

Furruckabad, July 1st 1865, one thousand eight hundred and sixty-five.

Mynpoory, July 1st 1870, one thousand eight hundred and seventy.

Etawah, July 1st 1871, one thousand eight hundred and seventy-one.

Cawnpore, July 1st 1870, one thousand eight hundred and seventy.

Futtehpore, July 1st 1870, one thousand eight hundred and seventy.

Humeerpore, July 1st 1872, one thousand eight hundred and seventy-two.

Banda, July 1st 1874, one thousand eight hundred and seventy-four.

Allahabad, July 1st 1869, one thousand eight hundred and sixty-nine.

Goruckpore, July 1st 1859, one thousand eight hundred and fifty-nine.

Azimgurh, July 1st 1867, one thousand eight hundred and sixty-seven.

II. And it is hereby enacted, that in the said Provinces, Mouzahs, standing transferred on the above date of May 1st 1846, from Districts or Pergunnahs not permanently settled, to Districts or Pergunnahs permanently settled, shall not be held liable to any increased demand on the part of the Government, but shall be held for ever on the highest Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May 1846.

III. Provided

III. Provided always and it is hereby declared, that persons holding land on special grants or on leases for longer periods than those specified in Section I. shall continue to hold them according to the terms of their several grants or leases.

IV. And it is hereby enacted, that whenever a Malgoozar may be desirous to relinquish his lease on the expiration of the term of his engagement he shall be at liberty to do so, provided that he give notice thereof in open Court and in writing to the Collector and to the Commissioner of the Division within one year before the 1st of July immediately preceding the expiration of the engagement.

V. And it is hereby enacted, that when such notice shall not have been given as aforesaid, the Malgoozar shall be held bound to pay the Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to the 1st of May 1846, for the period which may be applicable to his case according to Section I., and subsequently from year to year till the settlement be revised, or in perpetuity according to Section II.

VI. Provided however, and it is hereby declared, that nothing in this Act shall bar the right of the Government to demand revenue from any resumed rent-free land, alluvial Tow.ee, or other land which was not assessed at the time of settlement.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. IX. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for authorizing the Government of Fort St. George to provide Regulations for the several Ports and Places of anchorage within the Territories subject thereto.

WHEREAS Act IV. of 1842, entitled an Act for the better management of Boats and Catamarans, in the Madras Roads, and for the amendment of certain Harbour Regulations, has been found by experience to operate beneficially; and whereas it is expedient that Regulations similar in principle to the provisions contained in the said Act, but varying in detail if local circumstances require such variation, should be provided for all Ports and other places of anchorage within the Territories subject to the Government of the Presidency of Fort St. George:

I. It is therefore hereby enacted, that the Governor in Council of Fort St. George may from time to time make, in respect of each Port or other Place of anchorage within the Territories subject to the Government of the said Presidency, such Regulations for the management of Boats and Catamarans and such other matters as are provided for by the said Act IV. of

of 1842 in respect of the Madras Roads, as to them shall seem expedient, being similar in principle to the provisions contained in the said Act, but varying in detail, if local circumstances require such variation. And all such Regulations shall be submitted for confirmation or disallowance to the Governor General of India in Council, and every such Regulation shall have the force of Law after it shall have been confirmed by the Governor General of India in Council.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. X. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th December 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for regulating the proceedings in certain cases of distraint for Arrears of Rent.

I. It is hereby enacted, in modification of Section 9, Regulation VII. of 1799, Section 9, Regulation V. of 1800, and Clause 2, Section 17, Regulation XXVIII. of 1803, all of the Bengal Code, that if any person not being such a defaulter as is therein mentioned or responsible for him, shall claim as his right property which has been distrained for arrears of rent due from the said defaulter, and shall within five days, reckoning from the day after attachment, enter into a bond before the Collector of the Zillah or the Commissioner appointed under Act I. of 1839, with good security binding himself to institute before the Collector within fifteen days from the date of such bond, a summary suit against the distrainer and defaulter for the trial of the right, and to restore the property or make good its value in case the claim be disallowed with all costs of suit and damages, the distrainer shall immediately withdraw the attachment.

II. Provided always and it is hereby enacted, that if the claimant shall not within the said fifteen days institute such summary suit, it shall be lawful

lawful for the distrainer to recover the value of the property distrained, together with the expences of the attachment, by attachment and sale of the personal property of the claimant, or his surety, or both, unless the claimant shall restore the property, or, if the distrainer prefer it, make good its value.

III. And it is hereby enacted, that no suit to set aside the summary award of the Collector under this Act, shall be brought after the expiration of one year from the date of such award.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XI. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 12th of December 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for the exemption of certain Territory in the Province of Candeish and the Zillah Ahmednuggur from the operation of the General Regulations.

WHEREAS it has been deemed expedient to exempt from the jurisdiction of the Civil and Criminal Courts of the Bombay Presidency certain portions of the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah in the Province of Candeish and the Zillah Ahmednuggur:

I. It is hereby enacted, that from and after the First day of February 1847, so much of Appendix A. of Regulation XXIX. of 1827 of the Bombay Code as declares the Villages contained in the Schedule annexed to this Act, and the lands attached thereto (being parts of the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah, in the Province of Candeish and the Zillah Ahmednuggur) subject to the Regulations established for the administration of Civil and Criminal Justice in the Bombay Presidency, be repealed.

II. And

II. And it is heredy enacted, that from and after the said day the administration of Civil and Criminal Justice, the Superintendence of the Police and the Collection and Superintendence of the Revenues of every description within the said portions of Territory shall vest in such Agent to the Governor of Bombay as shall be appointed by the Governor of Bombay in Council, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor in Council, by an Order in Council, to prescribe such rules as he may deem proper for the guidance of the Agent aforesaid and of all the Officers subordinate to his controul and authority, and to determine to what extent the decision of the Agent in Civil suits, shall be final and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials and what cases he shall submit to the decision of the Sudder Foujdaree Adawlut.

IV. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Sudder Foujdaree Adawlut shall proceed to pass a final judgment, or such other order as may after mature consideration, seem to the Court requisite and proper in the same manner as if the trial had been sent up in ordinary course from a Session Judge.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly prepared under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it in the same manner as appeals from the Zillah Courts.

SCHEDULE.

List of Villages belonging to the Seven Mowass Chieftains in the Province of Candeish comprehended in the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah.

Names of Chiefs.	*Inhabited.*	*Uninhabited.*
1. Gunput Sing Wulud Chandrusing Rana of Boodhawul.	Dekatee. Hulalpoor. Boodhawulee. Khooshguvhan. Ashté. Bhar. Mendwur. Jamleegoora. Walheree. Boodhawul. Lobabhanee. Somawul Boojrook. Muthawul. Shervcé. Ekdhur. Relapara.	Nuwagaon. Somawul Khoord. Bho Bhat. Prutappoor. Nuwulpoor. Rajveera. Kullumbee Vecheer. Ghoghat. Ramgur Pethapoor.
2. Oomed Wulud Luxoomun Parvee of Katee.	Katee. Bhugduree. Wunwa. Jamna. Beer. Samur. Kujal Velkhooree. Mogreebar. Gorapeebar. Nulwunbara. Jagtee. Arootee, Kewuree. Chapree. Pandhreematee. Pimpurkhoota. Soorgus. Beejulguvhan. Balsghat. Vehugee. Chunwaee. Balkra. Gojeebara. Oghanee. Dunaee. Soorpanvavee. Suree. Kunkal. Koeelee veeheer. Sonachee pardee. Kakurpara. Ghutwanee. Rajmohee. Khutas Kharee Khaee. Heerance. Dab. Duhel. Mooreera. Waree. Kudwalee. Gudwanee. Bokharee. Polguvhan. Oomtee. Veree. Pimpurpan. Maeechamal. Mogree. Bumhuree. Somkharee. Ras. Ghuttula. Mogra. Moolgee. Bhurkoond. Velee.	Khutkoowa. Bamhungaon Gullottè Khoord. Akul Koowa. Horapara. Ankooshee Vecheer. Guvhanee. Peotee. Mojra. Dhankbaree. Kotlee. Muhan. Dhobreepeeta. Tullow. Cheekhlee. Ghora Devee. Koowa. Kolwee. Kolweechmal. Nendwun. Patpara. Kulmunda. Wurphullee. Bhutaree. Poke Khara

Names.	*Inhabited.*	*Uninhabited.*
2 Oomed Wulud Luxoomun Parvee of Katee.—(*Continued.*)	Oomla. Raool K Sendree. Kookreepadur Kujanee. Honakhamb. Gulloté Boojrook. Nuwagaon. Gungapoor. Kewara Mohee.	
3. Oomed Wulud Pancha Parvee of Nal.	Goolyamba.	Nal Veerpoor. Nuwagaon. Sane Vecheer. Jeeroe Sawur. Tanuk Molee.
4 Bickna Wulud Raila Parvee of Singpoor.	Singpoor Boojrook. Singpoor Khoord.	Babhulpoor.
5. Khatia Wulud Nana Wulwee Bheel of Guvhalee.	Guvhalee. Bar. Pechreedo. Kakriamba. Hatwaryawur. Morkee. Nagur Motee. Rajkoora. Raisingpoora. Oodun. Bhereevoa.	Pandhreepara. Doduv. Lalpoor. Korkher. Khurkoond. Bukhtar Pala. Bhooyuvao. Kakurkhore. Rajnee. Khoord Muhookharee. Koowurvao. Talamba Wurkoond. Koomree Khurgia Moramba. Boreeguvhan. Bhometee. Kalamba. Phoolwaree. Kelwun. Bhoee Kuruj Dorkee. Jamwa. Gotpara Joojuv Dokhulsar. Rajneebara. Ambabar. Borkee Dokhee. Matha Koond. Gugriamba. I bhurdee. Joonatana. Moramba. Kurdee. Gondwun. Ghora. Mandara Khoord. Mandara Boojrook. Bhogwur. Goojee. Muhookharee Boojrook. Wairoor.

Names.	Inhabited.	Uninhabited
5. Khatia Wulud Nana Wulwee Bheel of Guvhallee.—(*Continued.*)		Shindguvhan. Kaniamba. Mograpana. Kulewurkhoord. Rampoora. Koonda. Joonwun. Boogniamba. Sheengwun. Kaniamba. Kondwapara. Kanapara. Kotara. Pardee. Keoreebur. Bhoocra. Guvhan. Koradevee. Jamkhoot. Amleeguvhan. Mathamba. Matha Mogur. Mata Tana. Oodapoor.
6. Koowur Wussawa Wulud Jeewa Wussawa Bheel of Cheekhlee.	Cheekhlee. Jheereebera. Pateepara. Chatoopara. Ranеepoora. Khapur. Gungthé. Lugree. Jaolee. Kolee wara. Pulas wara Ooman.	Jhapa Amlee. Khanora. Kokteepara. Khuyerpara. Chanpoor. Oomranee. Wurgaon. Chotee Ruralee. Bramhungaom. Kuvleeguvhan. Bholwur. Dhabra. Mendee. Kenwura. Khekwur. Dabreeamba. Augut. Rethee. Chapteepara. Rajneewar. Oomanee. Nuwagaon. Nucen Sevree. Nevree. Oomjia
7. Raja Wulud Veslia Parvee.		Sojdan Nuwalpoora.

ABSTRACT.

	Names of Chieftains.	Inhabited.	Uninhabited	Total Villages.
1	Gunput Sing, Wulud Chandru Sing Rana, of Bhoodawul,.....	16	10	26
2	Oomed Wulud Luxoomun Parvee of Katee,.....	71	25	96
3	Omed Wulud Pacha Parvee of Nal,.....	1	6	7
4	Bhiekna Wulud Raila Parvee of Singpoor,.....	2	1	3
5	Khatia Wulud Nana Wulwee Bheel of Guvhallee,	11	70	81
6	Koowar Wussawa Wulud Jeewa Wussawa Bheel of Cheekhlee,.....	12	25	37
7	Raja Wulud Veslia Parvee,....	0	2	2
	Total,.....	113	139	252

Calcutta, 1846 :—Printed at the Bengal Milit